

FEDERAL BUREAU OF INVESTIGATION

Office of Origin OKLAHOMA CITY	Office of Origin WASHINGTON FIELD	Date 11/23/60	Investigation Period 10/19 - 11/21/60
Title of Case "CHANGED"		Report made by SA [REDACTED]	Typed By: Jcm
MEMBERS OF UNITED STATES SUPREME COURT - VICTIMS [REDACTED]		CHARACTER OF CASE EXTORTION	

The title is marked changed to include Subject's middle name of **[REDACTED]**

REFERENCE: Report of **[REDACTED]** 11/9/60 at Washington Field.

-RUC-

Approved: <i>[Signature]</i> Special Agent in Charge	Do not write in spaces below
2 - Bureau (9-37931) (AM) 3 - Washington Field (9-1275) (1-USA, WDC) 1 - Oklahoma City (9-2005)	37931-5 NOV 28 1960 EX 101

-37931

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Washington, D. C.
(Attention: AUSA HAROLD H. TITUS, JR.)

Report of: SA [REDACTED] b7c
Date: 11/23/60 Office: OKLAHOMA CITY

Field Office File No.: 9-2005

Bureau File No.: 9-37931

[REDACTED] b7c
MEMBERS OF UNITED STATES SUPREME
COURT - VICTIMS

EXTORTION

Background investigation conducted on [REDACTED]

9 87931
5
Details: AT OKLAHOMA CITY, OKLAHOMA
[REDACTED] b7D, C

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

5 Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.

☒ Deleted under exemption(s) b7C, D with no segregable material available for release to you.

☐ Information pertained only to a third party with no reference to you or the subject of your request.

☐ Information pertained only to a third party. Your name is listed in the title only.

☐ Documents originated with another Government agency(ies). These documents were referred to that agency(ies) for review and direct response to you.

_____ Pages contain information furnished by another Government agency(ies). You will be advised by the FBI as to the releasability of this information following our consultation with the other agency(ies).

_____ Page(s) withheld for the following reason(s):

☐ For your information: _____

☒ The following number is to be used for reference regarding these pages:

9-37931-5p2-6

XXXXXX
XXXXXX
XXXXXX
 XXXXXXXXXXXXXXXXXXXX
 X DELETED PAGE(S) X
 X NO DUPLICATION FEE X
 X FOR THIS PAGE X
 XXXXXXXXXXXXXXXXXXXX

OC 9-2005

Concerning [REDACTED]'s statement that she visited the FBI Office several years ago, it is noted that on June 8, 1952 [REDACTED] appeared at the FBI Office, Oklahoma City and spoke with SA [REDACTED] complained that her mail was being tampered with. She refused to give her address or give any specific instances concerning mail tampering.

b7c

9 -37931

FEDERAL BUREAU OF INVESTIGATION

Reporting Office WASHINGTON FIELD	Office of Origin WASHINGTON FIELD	Date 12/30/60	Investigation Period 12/23/60
Subject [REDACTED] b7C		Report made by [REDACTED] b7C	Typed By: mjr
Nature of Case MEMBERS OF UNITED STATES SUPREME COURT-VICTIMS		Character of Case EXTORTION	

REFERENCE

Report of SA **[REDACTED]** 11/23/60 at
Oklahoma City;
Report of SA **[REDACTED]** 1/9/60 at
Washington, D. C.

- C -

9 - 37931 - 6

Approved <i>[Signature]</i>	Do not write in spaces below		
① - Bureau (9-37931) 1 - WSA, Washington, D. C. (Attn: AUSA FREDERICK G. SMITHSON) 1 - Washington Field (9-1275)	9-37931-	6	REC-88
	10 DEC 30 1960		EX-100

- A* -

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to

USA, Washington, D. C.
Attn: AUSA FREDERICK G. SMITHSON

Report of
Date

JAMES J. RYAN
12/30/60

Office Washington, D. C.

Field Office File No.

9-1275

Source File No.

Title

MEMBERS OF UNITED STATES
SUPREME COURT-VICTIMS

Character

EXTORTION

Summary

AUSA FREDERICK G. SMITHSON advised that from review of case that the language used in the letter and the thoughts expressed are not such as to amount to any threat but merely the expressions of a sharp tongued spinster.

DETAILS: AT WASHINGTON, D. C.

On December 23, 1960, Assistant United States Attorney FREDERICK G. SMITHSON advised that from a review of the reports submitted in this matter that the language used in the letter written by [redacted] to the United States Supreme Court and the thoughts expressed are not such as to amount to any threat. He stated the letter was merely the expressions of a sharp-tongued spinster.

9 - 37931 - 6

FBI

LABORATORY

**FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.**

To: **FBI, Washington Field Office (9-New)**

Date: **April 4, 1962**

Unsub;
Re: (Anonymous communication
addressed "U. S. Supreme Court,
Washington 25, D. C.," postmarked
Clarksdale, Mississippi, 2/19/62)
EXTORTION

John Edgar Hoover, Dir.

FBI File No.

100-45866

Lab. No.

D-340785 IK

Examination requested by:

Washington Field Office

Reference:

Airtel 3/22/62

Examination requested:

Document - Fingerprint

Remarks:

You will be separately advised regarding the result of
the latent fingerprint examination and the disposition of specimens
Q1 and Q2.



(2 Lab reports)

2 - Memphis - Enclosure (Lab report)

10 APR 5 1962

39730

9-38730-2

REPORT
of the



FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D. C.

FBI, Washington Field Office

April 4, 1962
9-39730-1
D-390785 IK

Re: Unsub;
(Anonymous communication addressed
"U. S. Supreme Court,
Washington 25, D. C.," postmarked
Clarksdale, Mississippi, 3/19/62)
EXTORTION 3/23/62

Specimens received

- Q1 Envelope postmarked "CLARKSDALE MISS. MAR 19 1962 6 PM"
bearing handwritten address "U. S. Supreme Court Washington 25,
D. C."
- Q2 Sheet of paper bearing typewriting headed "AN OPEN LETTER
TO ALL COMMUNISTS AND TRAITORS EVERYWHERE!" which also
contains handwriting beginning "Pass this on to all the
_____"

Result of examination:

Specimens Q1 and Q2 were searched through the appropriate
sections of the Anonymous Letter File without identifying them with
any of the writings therein.

Photographs of specimens Q1 and Q2 have been retained.

674

9-39730-1

Recorded 3/29/62
SAA

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Laboratory Work Sheet

Re: Unsub;
(Anonymous communication
addressed "U. S. Supreme Court,
Washington 25, D. C.," postmarked
Clarksdale, Mississippi, 3/19/62)
EXTORTION

NO LAB FILE

Lab. # D-390725 IK

Examination requested by:

L A T E N Y
FBI, WFO (9-Nov)

Airtel 2/22/62

Examination requested:

Document - Fingerprint

Date received: 3/23/62

Result of Examination:

Examination by: [REDACTED]

Examined in LFOS

LFOS will return 6/14/62 to WFO

WFO

4-3-62

b7C

Specimens submitted for examination

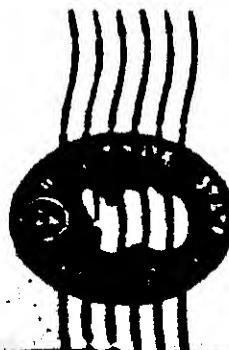
- Q1 Envelope postmarked "CLARKSDALE MISS. MAR 19 1962
6 PM" bearing handwritten address "U. S. Supreme Court
Washington 25, D. C."
- Q2 Sheet of paper bearing typewriting headed "AN OPEN LETTER
TO ALL COMMUNISTS AND TRAITORS EVERYWHERE!" which also
contains handwriting beginning "Pass this on to all the
-----"

1962

9-2-62

26. Supreme Court
Washington 25, D.C.

9-39130-1



April 2nd will be Dec 1st
for you if you do
take God and prayer for
our schools. This is God's world!

1924/21 21 21 21 21

9-39230-1

FBI

Via AIRTEL

(Type in plain text or code)

Priority or Method of Mailing

TO: DIRECTOR, FBI
FROM: SAC, WFO (9-Acw) (C)

ATTENTION: FBI LABORATORY

UNSUB;
(Anonymous communication
addressed "U. S. Supreme Court,
Washington 25, D. C.," postmarked
Clarksdale, Mississippi, 3/19/62)

(OO:WFO)

In connection with captioned matter there are enclosed for the Bureau six copies of a letterhead memorandum quoting an anonymous communication received in the Marshal's Office, U. S. Supreme Court, Washington, D. C., on 3/21/62, and setting out opinion of AUSA JOHN C. CONLIFF, who expressed the opinion that prosecution of the letter-writer would not be warranted.

Also enclosed herewith to the Bureau, encased in a cellophane envelope is the anonymous undated communication and envelope bearing a four cent canceled stamp addressed "U. S. Supreme Court, Washington 25, D. C.," postmarked Clarksdale, Mississippi, 6:00 p.m., 3/19/62.

This letter was made available to SA [redacted] on 3/21/62 by [redacted] Marshal, U. S. Supreme Court. He stated he is the only person to handle instant letter and that it was not examined or read by any of the Supreme Court Justices. He stated he does not desire the return of this letter.

ENCLOSURE

- ① - Bureau (Enc. 7)
- ② - Memphis (Enc. 1) (Info)
- ③ - WFO

REC-69

27 MAR 27 1962

(6) -

AIRTEL

APR 13 1962

C Wick

53 APR 8 1962

M Per

WFO 9-Kov

It is requested that the letter and envelope be processed for latent fingerprints and any prints developed should be retained for possible future reference. It is requested also that the letter be searched through the Anonymous Communications File for possible identification. In the event no identification is effected, it is suggested that appropriate specimens from the anonymous communication be included in the Anonymous Communications File for possible future reference.

In substance the letter refers to Bible verses and states from reading the book of Revelation "you will KNOW how close you are to total destruction --- DAY AND SOUL!!". The concluding sentences in the letter are as follows: "April 3rd will be DOOMS DAY for you, if you have taken God and prayer from our schools. This is God's word."

A copy of this communication, as well as a copy of letterhead memorandum, is designated for the information of the Memphis Office in view of the fact instant anonymous communication was mailed from Clarksdale, Mississippi.

As prosecution has been declined, no investigation is contemplated by WFO and this case will be closed with a letter to the office of the U. S. Attorney, incorporating the opinion of Assistant U. S. Attorney COLLIER.

9-89-20-2
MAY 21 1964
RECEIVED



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

In Reply, Please Refer to
File No.

WASHINGTON 25, D. C.
MARCH 21, 1962

Anonymous Communication
Addressed "U. S. Supreme Court,
Washington 25, D. C.," Postmarked
Clarksdale, Mississippi, March 19, 1962

On March 21, 1962, [REDACTED] Marshal, **b7C**
United States Supreme Court, Washington, D. C., made
available an anonymous letter which was received in his
office on March 21, 1962. The letter was contained in
an envelope postmarked Clarksdale, Mississippi, March 19,
1962, addressed "U. S. Supreme Court, Washington 25,
D. C." The anonymous letter, quoted below, appears to
be mimeographed, added to which are sentences in handwriting
and hand printing, with certain words written or printed
with red crayon:

"AN OPLE LETTER TO ALL COMMUNISTS AND TRAITORS EVERYWHERE

"You are caught in your own trap. Yes,
you are victim to your own evil conspiracy and
devices. The events unfolding before us today -
are part of the living God's plan to destroy the
world and the heathen who have corrupted it.

"Read Isaiah 46, verses 10 and 11; Revelation
17, verse 17. Read the entire book of Revelation
and you will KNOW how close you are to total
destruction --- BODY and SOUL!!! Don't believe
me, but you had better believe the Word of the
Living God.

"Repent of your sins; seek ye the Lord;
save your soul before the door closes forever!!!"

(The following section of the letter is in handwriting
and hand printing):

"If your Red buddies Stalin, Franklin
Roosevelt, Lenin, Marx, Sam Rayburn etc could

cc's to AGC
miller by [initials] 3/30/62

87-39720-2

Anonymous Communication
Addressed "U. S. Supreme Court,
Washington 25, D. C.," Postmarked
Clarksdale, Mississippi, March 19, 1962

call from where they are, they would say -
'REPEAT COMRADES -- there is a HELL.' If you
DARE take God and prayer out of our schools,
YOU LOSE! Every knee shall bow to GOD!
Remember this! April 3rd will be DOOMS DAY
for you, if you dare take God and prayer from
our schools. This is God's world!"

The words "includes Catholics" are written in pen
and ink as marginal words with an arrow pointing to the
printed word "TRAITORS." At the top of the communication,
handwritten in pen and ink, except the name "KENNEDYS" which
is printed in red crayon, is the sentence "Pass this on to
all the filthy KENNEDYS."

67C The date April 3rd, referred to in the communication,
according to [REDACTED], is the day on which arguments are
to be heard in the United States Supreme Court in the case
entitled "Steven I. Engel, Et Al, Petitioners vs. William J.
Vitale, Et Al, Case Number 468 Appellate." This case has
come to the United States Supreme Court from the Court of
Appeals of New York as a result of a petition for Writ of
Certiorari filed in the United States Supreme Court on
October 3, 1961. Petitioners state therein they are opposed
to daily prayer in public schools, Nassau County, New York,
and that the practice of saying one specific religious
prayer violates the first and 14th amendments of the Constitution.

The facts in this case were presented on March 22,
1962, to Assistant United States Attorney John C. Conliff.
Mr. Conliff stated that while some of the remarks are
scurrilous, the letter does not contain any direct threat
against the Justices of the United States Supreme Court.
He stated further that in the absence of direct threats in
the letter, prosecution would not be warranted.

Anonymous Communication
Addressed "U. S. Supreme Court,
Washington 25, D. C.," Postmarked
Clarksdale, Mississippi, March 19, 1962

In view of the opinion of the Assistant United
States Attorney Conliff, no investigation concerning this
matter is being made.

This document contains neither
recommendations nor conclusions of
the FBI. It is the property of
the FBI and is loaned to your agency;
it and its contents are not to be
distributed outside your agency.

U. S. Bureau of Investigation

Department of Justice

900 Ezra Thompson Building,
Salt Lake City, Utah
December 21, 1933.

Director,
Division of Investigation,
U.S. Department of Justice,
Washington, D.C.

Dear Sir:

I have been informed that the U.S. Supreme Court has recently handed down a decision in the case of John S. Funk -vs- U.S. treating of the competency of a wife to testify for her husband. I have not had an opportunity to read the decision, but refer the Division to the case so that it can arrange to have a study made of the decision to see if it is of any value to the field. It is my understanding that the gist of the decision is that a wife can testify for a husband. The decision does not touch upon the competency of a husband or wife to testify against each other.

I am also informed that the U.S. Supreme Court, in the case of Gregorio Chavez and Jose Maria Chavez, -vs- U.S., 242 U.S. 470-491, has handed down a decision which treats of Indian country, which defines what constitutes Indian territory. I have not had an opportunity to read this decision but refer it to the Division for study for any value it may have to the field on a subject matter which has always been more or less complex.

Very truly yours,

JOHN A. DOWD,
Special Agent in Charge

RECORDED
&
INDEXED

JAN 11 1934

62-34367-1	
DIVISION	
DEC 27 1933	
U. S. BUREAU OF INVESTIGATION	
UNIT ONE	UNIT TWO
NATHAN	FILE

JAD:J

SUPREME COURT OF THE UNITED STATES.

No. 162.—OCTOBER TERM, 1933.

The United States of America,
Appellant,
vs.
Gregorio Chavez and Jose Maria
Chavez.

} Appeal from the District
Court of the United States
For the District of New
Mexico.

[December 11, 1933.]

Mr. Justice VAN DEVANTER delivered the opinion of the Court.

By indictment in the federal district court for New Mexico Gregorio Chavez and Jose Maria Chavez, described as "non-Indians", were charged with the larceny, on January 3, 1932, "at and within the limits of the Pueblo of Isleta, the same being Indian Country, in the State and district of New Mexico," of certain live-stock belonging to designated Indians of that Pueblo. By a demurrer the defendants challenged the indictment as not stating an offense against the United States, and in support of the challenge asserted (1) that the Pueblo of Isleta is not Indian country within the meaning of the statutes whereon the indictment is founded, and (2) that, even if the Pueblo be Indian country, larceny committed therein by one who is not an Indian is not within those statutes. The court sustained the demurrer, dismissed the indictment and gave a certificate declaring in effect that the judgment was put entirely on the ground that when the statutes underlying the indictment are properly construed—and particularly when construed in the light of the act enabling New Mexico to become a State—they do not make larceny within the Pueblo of Isleta by one not an Indian, even of property belonging to an Indian, an offense against the United States, but leave the same to be dealt with exclusively by and under the laws of the State.

The case is here on appeal by the United States under the criminal appeals law.¹

¹Act of March 2, 1907, c. 2564, 34 Stat. 1246; U. S. C., § 682, Title 18, and § 345, Title 28; Acts January 31, 1928, c. 14, 45 Stat. 54, and April 26, 1928, c. 440, 45 Stat. 466.

62-30367-7

By §§ 451 and 466, Title 18, U. S. C.,² larceny committed in any place "under the exclusive jurisdiction of the United States" is made an offense against the United States, the punishment described varying according to the value of the property stolen; and by § 217, Title 25, U. S. C.,³ the general laws of the United States relating to the punishment of crimes committed in any place within its exclusive jurisdiction are extended, with exceptions not material here, to "the Indian country". These are the statutes on which the present indictment is founded.

By the enabling act of June 20, 1910,⁴ and two subsequent joint resolutions,⁵ Congress provided for the admission of New Mexico into the Union as a State "on an equal footing with the original States". Compliance with stated conditions was made a prerequisite to the admission, and these conditions were complied with. The admission became effective through a proclamation of the President on January 6, 1912.⁶ One of the conditions related to Indians and Indian lands and to the respective relations thereto of the United States and the State. The provisions embodying this condition are copied in an appended note.⁷

²Formerly § 5356 Rev. Stat. and §§ 272 and 287 Criminal Code, Act March 4, 1909, c. 321, 35 Stat. 1088.

³Formerly § 25, Act June 30, 1834, c. 161, 4 Stat. 729, and § 2145, Rev. Stat. c. 310, 36 Stat. 557.

⁴February 16, 1911, 36 Stat. 1454; August 21, 1911, 37 Stat. 39.

⁵37 Stat. 1723.

⁶Section 2 of the enabling act prescribed that the convention called to form a constitution for the proposed State should provide by ordinance made a part of the constitution—

"First. That . . . the sale, barter, or giving of intoxicating liquors to Indians and the introduction of liquors into Indian country, which term shall also include all lands now owned or occupied by the Pueblo Indians of New Mexico, are forever prohibited.

"Second. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title . . . to all lands lying within said boundaries owned or held by any Indian or Indian tribes the right or title to which shall have been acquired through or from the United States or any prior sovereignty, and that until the title of such Indian or Indian tribes shall have been extinguished the same shall be and remain subject to the disposition and under the absolute jurisdiction and control of the Congress of the United States; . . . but nothing herein . . . shall preclude the said State from taxing, as other lands and other property are taxed, any lands and other property outside of an Indian reservation owned or held by

The lands of the Pueblo of Isleta, like those of other pueblos of New Mexico, are held and occupied by the people of the pueblo in communal ownership under a grant which was made during the Spanish sovereignty, was recognized during the Mexican dominion and has since been confirmed by the United States.

The people of these pueblos, although sedentary rather than nomadic, and disposed to peace and industry, are Indians in race, customs and domestic government. Always living in separate communities, adhering to primitive modes of life, largely influenced by superstition and fetichism, and chiefly governed according to crude customs inherited from their ancestors, they are essentially a simple, uninformed and dependent people, easily victimized and ill-prepared to cope with the superior intelligence and cunning of others. By a uniform course of action, beginning as early as 1854 and continued up to the present time, the legislative and executive branches of the Government have regarded and treated them as dependent Indian communities requiring and entitled to its aid and protection, like other Indian tribes.⁸

In 1904 the territorial court, finding no congressional enactment expressly declaring these people in a state of tutelage or assuming direct control of their property, held their lands taxable like the lands of others.⁹ But Congress quickly forbade such taxation by providing:¹⁰

any Indian, save and except such lands as have been granted or acquired as aforesaid or as may be granted or confirmed to any Indian or Indians under any Act of Congress, but . . . all such lands shall be exempt from taxation by said State so long and to such extent as Congress has prescribed or may hereafter prescribe.

"Eighth. That whenever hereafter any of the lands contained within Indian reservations or allotments in said proposed State shall be allotted, sold, reserved, or otherwise disposed of, they shall be subject for a period of twenty-five years after such allotment, sale, reservation, or other disposal to all the laws of the United States prohibiting the introduction of liquor into the Indian country; and the terms 'Indian' and 'Indian country' shall include the Pueblo Indians of New Mexico and the lands now owned or occupied by them."

⁸See *United States v. Sandoval*, 231 U. S. 28, and *United States v. Candelaria*, 271 U. S. 432, where the matters bearing on the history, characteristics, status and past treatment of the Pueblo Indians of New Mexico are extensively stated and reviewed.

⁹*Territory v. Delinquent Taxpayers*, 12 New Mexico 139.

¹⁰Act March 3, 1905, c. 1479, 33 Stat. 1048, 1069.

"That the lands now held by the various villages or pueblos of Pueblo Indians, or by individual members thereof, within Pueblo reservations or lands, in the Territory of New Mexico, and all personal property furnished said Indians by the United States, or used in cultivating said lands, and any cattle and sheep now possessed or that may hereafter be acquired by said Indians shall be free and exempt from taxation of any sort whatsoever, including taxes heretofore levied, if any, until Congress shall otherwise provide."

In 1907 the territorial court, for a like reason, held that the Pueblo Indians were not wards of the Government in the sense of the legislation forbidding the sale of intoxicating liquor to Indians and its introduction into the Indian country.¹⁰ But that decision was soon followed by the declaration, in the enabling act of 1910, that "the terms 'Indian' and 'Indian country' shall include the Pueblo Indians of New Mexico and the lands now owned or occupied by them". And in 1924 Congress, in taking measures to protect these Indians in their land titles, expressly asserted for the United States the status and powers belonging to it "as guardian of said Pueblo Indians."¹¹

In *United States v. Sandoval*, 231 U. S. 28, this Court, after full examination of the subject, held that the status of the Indians of the several pueblos in New Mexico is that of dependent Indian tribes under the guardianship of the United States and that by reason of this status they and their lands are subject to the legislation of Congress enacted for the protection of tribal Indians and their property. We there said (pp. 45, 46):

"Not only does the Constitution expressly authorize Congress to regulate commerce with the Indian tribes, but long continued legislative and executive usage and an unbroken current of judicial decisions have attributed to the United States as a superior and civilized nation the power and the duty of exercising a fostering care and protection over all dependent Indian communities within its borders, whether within its original territory or territory subsequently acquired, and whether within or without the limits of a State."

"Of course, it is not meant by this that Congress may bring a community or body of people within the range of this power by arbitrarily calling them an Indian tribe, but only that in respect of distinctly Indian communities the questions whether, to what extent, and for what time they shall be recognized and dealt with as dependent tribes requiring the guardianship and protection of

¹⁰*United States v. Mares*, 14 New Mexico 1.

¹¹Act June 7, 1924, c. 331, 43 Stat. 636.

the United States are to be determined by Congress and not by the courts."

We then pointed out that neither their citizenship, if they are citizens, nor their communal ownership of the full title in fee simple is an obstacle to the exercise of such guardianship over them and their property. We also there disapproved and declined to follow the decision in the early case of *United States v. Joseph*, 94 U. S. 614, relating to these Indians, because it was based upon reported data which in the mean time had been found to be at variance with recognized sources of information and with the long continued action of the legislative and executive departments.

In *United States v. Candelaria*, 271 U. S. 432, we were called upon to determine whether the people of a pueblo in New Mexico were a "tribe of Indians" within the meaning of § 2116 of the Revised Statutes, declaring that no purchase of lands "from any Indian nation or tribe of Indians" shall be of any validity unless made with specified safeguards; and the conclusion to which we came, and the reasons for it, are shown in the following excerpt from the opinion (pp. 441, 442):

"This provision was originally adopted in 1834, c. 161, sec. 12, 4 Stat. 730, and, with others 'regulating trade and intercourse with the Indian tribes,' was extended over 'the Indian tribes' of New Mexico in 1851, c. 14, sec. 7, 9 Stat. 587.

"While there is no express reference in the provision to Pueblo Indians, we think it must be taken as including them. They are plainly within its spirit and, in our opinion, fairly within its words, 'any tribe of Indians.' Although sedentary, industrious and disposed to peace, they are Indians in race, customs and domestic government, always have lived in isolated communities, and are a simple, uninformed people, ill-prepared to cope with the intelligence and greed of other races. It therefore is difficult to believe that Congress in 1851 was not intending to protect them, but only the nomadic and savage Indians then living in New Mexico. A more reasonable view is that the term 'Indian tribe' was used in the acts of 1834 and 1851 in the sense of 'a body of Indians of the same or a similar race, united in a community under one leadership or government, and inhabiting a particular though sometimes ill-defined territory.' *Montoya v. United States*, 180 U. S. 261, 266. In that sense the term easily includes Pueblo Indians."

Section 217 now being considered, like the section considered in that case, was originally a part of the act of 1834. One speaks of "Indian country" and the other of an "Indian nation or tribe

of Indians". The act as a whole makes it apparent that the term "Indian country" was intended to include any unceded lands owned or occupied by an Indian nation or tribe of Indians, and the term continues to have that meaning, save in instances where the context shows that a different meaning is intended.¹² Nothing in any of the statutes now being considered requires that it be given a different meaning in this instance.

It follows from what has been said that the people of the Pueblo of Isleta are Indian wards of the United States; that the lands owned and occupied by them under their ancient grant are Indian country in the sense of § 217; that the United States, in virtue of its guardianship, has full power to punish crimes committed within the limits of the pueblo lands by or against the Indians or against their property—even though, where the offense is against an Indian or his property, the offender be not an Indian¹³—and that the statutes in question, rightly construed, include the offense charged in the indictment.

There is nothing in the enabling act which makes against the views here expressed. True, it declares, in keeping with the constitutional rule, that the State shall be admitted into the Union on an equal footing with the original States. But the principle of equality is not disturbed by a legitimate exertion by the United States of its constitutional power in respect of its Indian wards and their property.¹⁴

As the District Court's judgment rested upon a mistaken construction of the statutes the judgment cannot stand.

Judgment reversed.

A true copy.

Test:

Clerk, Supreme Court, U. S.

¹²*Clairmont v. United States*, 225 U. S. 551, 557, *et seq.*; *Donnelly v. United States*, 228 U. S. 243, 268; *United States v. Pelican*, 232 U. S. 442, 447, *et seq.*; *United States v. Ramsey*, 271 U. S. 467, 470, *et seq.*

¹³*Donnelly v. United States*, 228 U. S. 243, 271-272; *United States v. Pelican*, 232 U. S. 442, 448, 451; *United States v. Ramsey*, 271 U. S. 467, 469.

¹⁴*United States v. Sandoval*, 231 U. S. 28, 49.

SUPREME COURT OF THE UNITED STATES.

No. 394.—OCTOBER TERM, 1933.

John S. Funk, Petitioner,
vs.
The United States of America. } On Writ of Certiorari to the
United States Circuit Court
of Appeals for the Fourth
Circuit.

[December 11, 1933.]

Mr. Justice SUTHERLAND delivered the opinion of the Court.

The sole inquiry to be made in this case is whether in a federal court the wife of the defendant on trial for a criminal offense is a competent witness in his behalf. Her competency to testify against him is not involved.

The petitioner was twice tried and convicted in a federal district court upon an indictment for conspiracy to violate the prohibition law. His conviction on the first trial was reversed by the circuit court of appeals upon a ground not material here. 46 F. (2) 417. Upon the second trial, as upon the first, defendant called his wife to testify in his behalf. At both trials she was excluded upon the ground of incompetency. The circuit court of appeals sustained this ruling upon the first appeal, and also upon the appeal which followed the second trial. 66 F. (2d) 70. We granted certiorari, limited to the question as to what law is applicable to the determination of the competency of the wife of the petitioner as a witness.

Both the petitioner and the government, in presenting the case here, put their chief reliance on prior decisions of this court. The government relies on *United States v. Reid*, 12 How. 361; *Logan v. United States*, 144 U. S. 263; *Hendrix v. United States*, 219 U. S. 79; and *Jin Fuey Moy v. United States*, 254 U. S. 189. Petitioner contends that these cases, if not directly contrary to the decisions in *Benson v. United States*, 146 U. S. 325, and *Rosen v. United States*, 245 U. S. 467, are so in principle. We shall first briefly review these cases, with the exception of the *Hendrix* case and the *Jin Fuey Moy* case, which we leave for consideration until a later point in this opinion.

62-30307-1

In the *Reid* case, two persons had been jointly indicted for a murder committed upon the high seas. They were tried separately, and it was held that one of them was not a competent witness in behalf of the other who was first tried. The trial was had in Virginia; and by a statute of that state passed in 1849, if applicable in a federal court, the evidence would have been competent. Section 34 of the Judiciary Act of 1789 declares that the laws of the several states, except where the Constitution, treaties or statutes of the United States otherwise provide, shall be regarded as rules of decision in trials at common law in the courts of the United States in cases where they apply; but the court said that this referred only to civil cases and did not apply in the trial of criminal offenses against the United States. It was conceded that there was no act of Congress prescribing in express words the rule by which the federal courts would be governed in the admission of testimony in criminal cases. "But," the court said (p. 363), "we think it may be found with sufficient certainty, not indeed in direct terms, but by necessary implication, in the acts of 1789 and 1790, establishing the courts of the United States, and providing for the punishment of certain offences."

The court pointed out that the Judiciary Act regulated certain proceedings to be had prior to impaneling the jury, but contained no express provision concerning the mode of conducting the trial after the jury was sworn, and prescribed no rule in respect of the testimony to be taken. Obviously however, it was said, some certain and established rule upon the subject was necessary to enable the courts to administer the criminal jurisprudence of the United States, and Congress must have intended to refer them to some known and established rule "which was supposed to be so familiar and well understood in the trial by jury that legislation upon the subject would be deemed superfluous. This is necessarily to be implied from what these acts of Congress omit, as well as from what they contain." (p. 365.) The court concluded that this could not be the common law as it existed at the time of the emigration of the colonists, or the rule which then prevailed in England, and [therefore] the only known rule which could be supposed to have been in the mind of Congress was that which was in force in the respective states when the federal courts were established by the Judiciary Act of 1789. Applying this rule, it was decided that the witness was incompetent.



In the *Logan* case it was held that the competency of a witness to testify in a federal court sitting in one state, was not affected by his conviction and sentence for felony in another state; and that the competency of another witness was not affected by his conviction of felony in a Texas state court, where the witness had since been pardoned. The indictment was for an offense committed in Texas and there tried. The decision was based not upon any statute of the United States, but upon the ground that the subject "is governed by the common law, which, as has been seen, was the law of Texas . . . at the time of the admission of Texas into the Union as a State." (p. 303.)

We next consider the two cases upon which petitioner relies. In the *Benson* case two persons were jointly indicted for murder. On motion of the government there was a severance, and Benson was first tried. His codefendant was called as a witness on behalf of the government. The *Reid* case had been cited as practically decisive of the question. But the court, after pointing out what it conceived to be distinguishing features in that case, said (p. 335), "We do not feel ourselves, therefore, precluded by that case from examining this question in the light of general authority and sound reason." The alleged incompetency of the codefendant was rested upon two reasons, first, that he was interested, and second, that he was a party to the record, the basis for the exclusion at common law being fear of perjury. "Nor," the court said, "were those named the only grounds of exclusion from the witness stand; conviction of crime, want of religious belief, and other matters were held sufficient. Indeed, the theory of the common law was to admit to the witness stand only those presumably honest, appreciating the sanctity of an oath, unaffected as a party by the result, and free from any of the temptations of interest. The courts were afraid to trust the intelligence of jurors. But the last fifty years have wrought a great change in these respects, and to-day the tendency is to enlarge the domain of competency and to submit to the jury for their consideration as to the credibility of the witness those matters which heretofore were ruled sufficient to justify his exclusion. This change has been wrought partially by legislation and partially by judicial construction." Attention then is called to the fact that Congress in 1864 had enacted that no witness should be excluded from testi-



fying in any civil action, with certain exceptions, because he was a party to or interested in the issue tried; and that in 1878 (c. 37, 20 Stat. 30) Congress made the defendant in any criminal case a competent witness at his own request. The opinion then continues (p. 337):

"Legislation of similar import prevails in most of the States. The spirit of this legislation has controlled the decisions of the courts, and steadily, one by one, the merely technical barriers which excluded witnesses from the stand have been removed, till now it is generally, though perhaps not universally, true that no one is excluded therefrom unless the lips of the originally adverse party are closed by death, or unless some one of those peculiarly confidential relations, like that of husband and wife, forbids the breaking of silence.

"If interest and being party to the record do not exclude a defendant on trial from the witness stand, upon what reasoning can a codefendant, not on trial, be adjudged incompetent?"

That case was decided December 5, 1892. Twenty-five years later this court had before it for consideration the case of *Rosen v. United States*, *supra*. Rosen had been tried and convicted in a federal district court for conspiracy. A person jointly indicted with Rosen, who had been convicted upon his plea of guilty, was called as a witness by the government and allowed to testify over Rosen's objection. This court sustained the competency of the witness. After saying that while the decision in the *Reid* case had not been specifically overruled, its authority was seriously shaken by the decisions in both the *Logan* and *Benson* cases, the court proceeded to dispose of the question, as it had been disposed of in the *Benson* case, "in the light of general authority and sound reason."

"In the almost twenty [twenty-five] years," the court said, "which have elapsed since the decision of the *Benson* Case, the disposition of courts and of legislative bodies to remove disabilities from witnesses has continued, as that decision shows it had been going forward before, under dominance of the conviction of our time that the truth is more likely to be arrived at by hearing the testimony of all persons of competent understanding who may seem to have knowledge of the facts involved in a case, leaving the credit and weight of such testimony to be determined by the jury or by the court, rather than by rejecting witnesses as incompetent, with the result that this principle has come to be widely, almost universally, accepted in this country and in Great Britain.

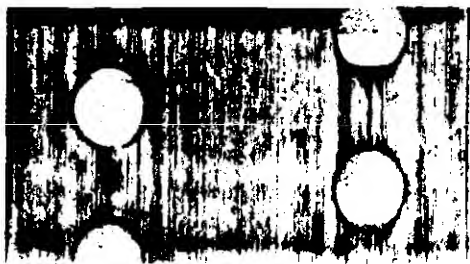
"Since the decision in the *Benson* Case we have significant

evidence of the trend of congressional opinion upon this subject in the removal of the disability of witnesses convicted of perjury, Rev. Stats., § 5392, by the enactment of the Federal Criminal Code in 1909 with this provision omitted and § 5392 repealed. This is significant, because the disability to testify, of persons convicted of perjury, survived in some jurisdictions much longer than many of the other common-law disabilities, for the reason that the offense concerns directly the giving of testimony in a court of justice, and conviction of it was accepted as showing a greater disregard for the truth than it was thought should be implied from a conviction of other crime.

"Satisfied as we are that the legislation and the very great weight of judicial authority which have developed in support of this modern rule, especially as applied to the competency of witnesses convicted of crime, proceed upon sound principle, we conclude that the dead hand of the common-law rule of 1789 should no longer be applied to such cases as we have here, and that the ruling of the lower courts on this first claim of error should be approved."

It is well to pause at this point to state a little more concisely what was held in these cases. It will be noted, in the first place, that the decision in the *Reid* case was not based upon any express statutory provision. The court found from what the congressional legislation omitted to say, as well as from what it actually said, that in establishing the federal courts in 1789 some definite rule in respect of the testimony to be taken in criminal cases must have been in the mind of Congress; and the rule which the court thought was in the mind of that body was that of the common law as it existed in the thirteen original states in 1789. The *Logan* case in part rejected that view and held that the controlling rule was that of the common law in force at the time of the admission of the state in which the particular trial was had. Taking the two cases together, it is plain enough that the ultimate doctrine announced is that in the taking of testimony in criminal cases, the federal courts are bound by the rules of the common law as they existed at a definitely specified time in the respective states, unless Congress has otherwise provided.

With the conclusion that the controlling rule is that of the common law, the *Benson* case and the *Rosen* case do not conflict; but both cases reject the notion, which the two earlier ones seem to accept, that the courts, in the face of greatly changed conditions, are still chained to the ancient formulae and are powerless to declare and enforce modifications deemed to have been wrought in



the common law itself by force of these changed conditions. Thus, as we have seen, the court in the *Benson* case pointed to the tendency during the preceding years to enlarge the domain of competency, significantly saying that the changes had been wrought not only by legislation but also "partially by judicial construction"; and that it was the *spirit* (not the *letter* be it observed) of this legislation which had controlled the decisions of the courts and steadily removed the merely technical barriers in respect of incompetency, until generally no one was excluded from giving testimony, except under certain peculiar conditions which are set forth. It seems difficult to escape the conclusion that the specific ground upon which the court there rested its determination as to the competency of a codefendant was that, since the defendant had been rendered competent, the competency of the codefendant followed as a natural consequence.

This view of the matter is made more positive by the decision in the *Rosen* case. The question of the testimonial competency of a person jointly indicted with the defendant was disposed of, as the question had been in the *Benson* case, "in the light of general authority and sound reason." The conclusion which the court reached was based not upon any definite act of legislation, but upon the trend of congressional opinion and of legislation (that is to say of legislation generally), and upon the great weight of judicial authority which, since the earlier decisions, had developed in support of a more modern rule. In both cases the court necessarily proceeded upon the theory that the resultant modification which these important considerations had wrought in the rules of the old common law was within the power of the courts to declare and make operative.

That the present case falls within the principles of the *Benson* and *Rosen* cases, and especially of the latter, we think does not reasonably admit of doubt.

The rules of the common law which disqualified as witnesses persons having an interest long since in the main have been abolished both in England and in this country; and what was once regarded as a sufficient ground for excluding the testimony of such persons altogether has come to be uniformly and more sensibly regarded as affecting the credit of the witness only. Whatever was the danger that an interested witness would not speak

the truth—and the danger never was as great as claimed—its effect has been minimized almost to the vanishing point by the test of cross-examination, the increased intelligence of jurors, and perhaps other circumstances. The modern rule which has removed the disqualification from persons accused of crime gradually came into force after the middle of the last century, and is today universally accepted. The exclusion of the husband or wife is said by this court to be based upon his or her interest in the event. *Jim Puey Moy v. United States, supra*. And whether by this is meant a practical interest in the result of the prosecution or merely a sentimental interest because of the marital relationship, makes little difference. In either case, a refusal to permit the wife upon the ground of interest to testify in behalf of her husband, while permitting him, who has the greater interest, to testify for himself, presents a manifest incongruity.

Nor can the exclusion of the wife's testimony, in the face of the broad and liberal extension of the rules in respect of the competency of witnesses generally, be any longer justified, if it ever was justified, on any ground of public policy. It has been said that to admit such testimony is against public policy because it would endanger the harmony and confidence of marital relations, and, moreover, would subject the witness to the temptation to commit perjury. Modern legislation, in making either spouse competent to testify in behalf of the other in criminal cases, has definitely rejected these notions, and in the light of such legislation and of modern thought they seem to be altogether fanciful. The public policy of one generation may not, under changed conditions, be the public policy of another. *Patton v. United States*, 281 U. S. 276, 306.

The fundamental basis upon which all rules of evidence must rest—if they are to rest upon reason—is their adaptation to the successful development of the truth. And since experience is of all teachers the most dependable, and since experience also is a continuous process, it follows that a rule of evidence at one time thought necessary to the ascertainment of truth should yield to the experience of a succeeding generation whenever that experience has clearly demonstrated the fallacy or unwisdom of the old rule.

It may be said that the court should continue to enforce the old rule, however contrary to modern experience and thought, and

however opposed, in principle, to the general current of legislation and of judicial opinion, it may have become, leaving to Congress the responsibility of changing it. Of course, Congress has that power; but if Congress fail to act, as it has failed in respect of the matter now under review, and the court be called upon to decide the question, is it not the duty of the court, if it possess the power, to decide it in accordance with present day standards of wisdom and justice rather than in accordance with some outworn and antiquated rule of the past? That this court has the power to do so is necessarily implicit in the opinions delivered in deciding the *Benson* and *Rosen* cases. And that implication, we think, rests upon substantial ground. The rule of the common law which denies the competency of one spouse to testify in behalf of the other in a criminal prosecution has not been modified by congressional legislation; nor has Congress directed the federal courts to follow state law upon that subject, as it has in respect of some other subjects. That this court and the other federal courts, in this situation and by right of their own powers, may decline to enforce the ancient rule of the common law under conditions as they now exist we think is not fairly open to doubt.

In *Hurtado v. California*, 110 U. S. 516, 530, this court, after suggesting that it was better not to go too far back into antiquity for the best securities of our liberties, said:

"It is more consonant to the true philosophy of our historical legal institutions to say that the spirit of personal liberty and individual right, which they embodied, was preserved and developed by a progressive growth and wise adaptation to new circumstances and situations of the forms and processes found fit to give, from time to time, new expression and greater effect to modern ideas of self-government.

"This flexibility and capacity for growth and adaptation is the peculiar boast and excellence of the common law.

"... and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experiences of our own situation and system will mould and shape it into new and not less useful forms."

Compare *Holden v. Hardy*, 169 U. S. 366, 385-387.

To concede this capacity for growth and change in the common law by drawing "its inspiration from every fountain of justice," and at the same time to say that the courts of this country are forever bound to perpetuate such of its rules as, by every reasonable test, are found to be neither wise nor just, because we have once adopted them as suited to our situation and institutions at a particular time, is to deny to the common law in the place of its adoption a "flexibility and capacity for growth and adaptation" which was "the peculiar boast and excellence" of the system in the place of its origin.

The final question to which we are thus brought is not that of the power of the federal courts to amend or repeal any given rule or principle of the common law, for they neither have nor claim that power, but it is the question of the power of these courts, in the complete absence of congressional legislation on the subject, to declare and effectuate, upon common law principles, what is the present rule upon a given subject in the light of fundamentally altered conditions, without regard to what has previously been declared and practiced. It has been said so often as to have become axiomatic that the common law is not immutable but flexible, and by its own principles adapts itself to varying conditions. In *Ketelsen v. Stütz*, 184 Ind. 702, the supreme court of that state, after pointing out that the common law of England was based upon usages, customs and institutions of the English people as declared from time to time by the courts, said (p. 707):

"The rules so deduced from this system, however, were continually changing and expanding with the progress of society in the application of this system to more diversified circumstances and under more advanced periods. The common law by its own principles adapted itself to varying conditions and modified its own rules so as to serve the ends of justice as prompted by a course of reasoning which was guided by these generally accepted truths. One of its oldest maxims was that where the reason of a rule ceased, the rule also ceased, and it logically followed that when it occurred to the courts that a particular rule had never been founded upon reason, and that no reason existed in support thereof, that rule likewise ceased, and perhaps another sprang up in its place which was based upon reason and justice as then conceived. No rule of the common law could survive the reason on which it was founded. It needed no statute to change it but abrogated itself."

That court then refers to the settled doctrine that an adoption of the common law in general terms does not require, without regard to local circumstances, an unqualified application of all its rules; that the rules, as declared by the English courts at one period or another, have been controlling in this country only so far as they were suited to and in harmony with the genius, spirit and objects of American institutions; and that the rules of the common law considered proper in the eighteenth century are not necessarily so considered in the twentieth. "Since courts have had an existence in America," that court said (p. 708), "they have never hesitated to take upon themselves the responsibility of saying what are the proper rules of the common law."

And the Virginia Supreme Court of Appeals, in *Hanriot v. Sherwood*, 82 Va. 1, 15, after pointing to the fact that the common law of England is the law of that commonwealth except so far as it has been altered by statute, or so far as its principles are inapplicable to the state of the country, and that the rules of the common law had undergone modification in the courts of England, notes with obvious approval that "the rules of evidence have been in the courts of this country undergoing such modification and changes, according to the circumstances of the country and the manner and genius of the people."

The supreme court of Connecticut, in *Beardsley v. City of Hartford*, 50 Conn. 529, 541-542, after quoting the maxim of the common law, *cessante ratione legis, cessat ipsa lex*, said:

"This means that no law can survive the reasons on which it is founded. It needs no statute to change it; it abrogates itself. If the reasons on which a law rests are overborne by opposing reasons, which in the progress of society gain a controlling force, the old law, though still good as an abstract principle, and good in its application to some circumstances, must cease to apply as a controlling principle to the new circumstances."

The same thought is expressed in *People v. Randolph*, 2 Park. Cr. Rep. (N. Y.) 174, 177:

"Its rules [the rules of the common law] are modified upon its own principles and not in violation of them. Those rules being founded in reason, one of its oldest maxims is, that where the reason of the rule ceases the rule also ceases."

It was in virtue of this maxim of the common law that the supreme court of Nevada, in *Reno Smelting Works v. Stevenson*, 20

Nev. 269, in a well reasoned opinion, held that the common law doctrine of riparian rights was unsuited to conditions prevailing in the arid land states and territories of the west, and therefore was without force in Nevada; and that, in respect of the use of water, the applicable rule was based upon the doctrine of prior appropriation for a beneficial use.

In Illinois it was held at an early day that the rule of the common law which required an owner of cattle to keep them upon his own land was not in force in that state, notwithstanding its adoption of the common law of England, being unsuited to conditions there in view of the extensive areas of land which had been left open and unfenced and devoted to grazing purposes. *Seeley v. Peters*, 5 Gil. (Ill.) 130.

Numerous additional state decisions to the same effect might be cited; but it seems unnecessary to pursue the matter at greater length.

It results from the foregoing that the decision of the court below, in holding the wife incompetent, is erroneous. But that decision was based primarily upon *Hendrix v. United States* and *Jin Fuey Moy v. United States*, *supra*, and in fairness to the lower court it should be said that its decision was fully supported by those cases.

In the *Hendrix* case the opinion does not discuss the point; it simply recites the assignment of error to the effect that the wife of Hendrix had not been allowed to testify in his behalf, and dismisses the matter by the laconic statement, "The ruling was not error." In the *Jin Fuey Moy* case it was conceded at the bar that the wife was not a competent witness for all purposes, but it was contended that her testimony was admissible in that instance because she was offered not in behalf of her husband, that is not to prove his innocence, but simply to contradict the testimony of government witnesses who had testified to certain matters as having transpired in her presence. The court held the distinction to be without substance, as clearly it was, and thereupon disposed of the question by saying that the rule which excludes a wife from testifying for her husband is based upon her interest in the event and applies without regard to the kind of testimony she might give. The point does not seem to have been considered by the lower court to which the writ of error was addressed (253

Fed. 213) ; nor, as plainly appears, was the real point as it is here involved presented in this court. The matter was disposed of as one "hardly requiring mention." Evidently the point most in the mind of the court was the distinction relied upon, and not the basic rule which was not contested. Both the *Hendrix* and *Jin Fuey Moy* cases are out of harmony with the *Rosen* and *Benson* cases and with the views which we have here expressed. In respect of the question here under review, both are now overruled.

Judgment reversed.

Mr. Justice CARDOZO concurs in the result.

Mr. Justice McREYNOLDS and Mr. Justice BUTLER are of opinion that the judgment of the court below is right and should be affirmed.

A true copy.

Test:

Clerk, Supreme Court, U. S.

JOHN EDGAR HOOVER
DIRECTOR

Division of Investigation

U. S. Department of Justice

Washington, D. C.

January 9, 1934.

TFB:GAJ

MEMORANDUM FOR MR. NATHAN

Reference is made to the attached letter from Special Agent in Charge Dowd of Salt Lake City, relative to two recent decisions in the United States Supreme Court, i.e., the cases of John S. Funk v. United States, treating of the competency of a wife to testify for her husband, and of Gregorio Chavez and Jose Maria Chavez v. United States, holding that the Pueblo of Isleta in the State of New Mexico is Indian country.

I have secured copies of the referred to decisions and find that the case of John S. Funk v. United States holds that previous cases relating that a wife is not a competent witness to testify in behalf of her husband are overruled and a wife hereafter may testify for her husband in a criminal case in which he is charged with an offense under the laws of the United States. She, however, cannot be compelled to testify against her husband.

The other case, i.e., Gregorio Chavez and Jose Maria Chavez v. United States, merely holds that the Pueblo Indians are Indian tribes within the intent of the statutes prohibiting certain acts committed within the "Indian country", and accordingly that these acts are punishable in the Federal courts rather than in the State courts.

Respectfully,

T. F. Baughman

T. F. Baughman.

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DATE: 3-18-57

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Sit-Down Strike Illegal, Supreme Court Declares; NLRB Loses Three Tests

Justices Black and Reed
Dissent; Orders to
Rehire Workers
Dissolved

By CHESLY MANLY

Chicago Tribune Press Service

The United States Supreme Court yesterday dealt the National Labor Relations Board three smashing blows in the most far-reaching series of Wagner act rulings since the law itself was upheld in April, 1937.

In an opinion by Chief Justice Charles Evans Hughes, the court delivered its first condemnation of the sitdown strike and set aside an order of the board requiring the Fansteel Metallurgical Corporation, of North Chicago, to reinstate with back pay 92 C.I.O. union members who participated in the seizure of the company's plants in February, 1937.

'High-Handed Proceeding'

The court denounced the sitdown strike as "a high-handed proceeding without shadow of legal right." Such conduct on the part of the strikers, the court held, was ample cause for their discharge.

"To justify such conduct because of the existence of a labor dispute or of an unfair labor practice," said the court, "would be to put a premium on resort to force instead of legal remedies and to subvert the principles of law and order which lie at the foundations of society."

After thus repudiating the labor board's condonation of violence, the court refused to review a criminal case growing out of the C.I.O. sitdown strike in the Fansteel plants.

6-0-41x3

WASHINGTON, April 14, 1937

APR 14 1937

37 to Go to Jail

Thirty-seven of the 92 strikers whom the labor board ordered reinstated were convicted of contempt of court in defying an injunction to evacuate the plants and sentenced to jail terms ranging from 10 to 180 days. Their last legal resort having been exhausted, they now must serve the sentences.

In the other two Wagner act cases, the court held that there was no evidence to sustain the board's finding that the Columbian Enameling and Stamping Company, of Terre Haute, Ind., and the Sands Manufacturing Company, of Cleveland, Ohio, refused to bargain collectively with their employees.

It upheld decisions setting aside the board's orders to reinstate discharged employees with back pay.

Five Straight Losses

Including these decisions, the labor board has lost five major cases in a row at the present term of the Supreme Court. In the Consolidated Edison Company case (New York) the Court con-

(Continued on Page 2, Col. 2)

demned as arbitrary and unlawful the board's attempt to abrogate an American Federation of Labor contract for the purpose of installing a C. I. O. union. In refusing to review the Peninsular and Occidental Steamship Company case (Florida) the Court thwarted efforts of the labor board to reinstate, with back pay, C. I. O. seamen who engaged in mutinous sitdown strikes.

Black, Reed Dissent

The Supreme Court divided five to two in each of the three Labor Board cases decided yesterday. Neither Justice Louis D. Brandeis, who retired two weeks ago, nor Justice Felix Frankfurter, who took his seat on the bench a month ago took part in the consideration or decision of the cases. Justices Hugo L. Black and Stanley F. Reed, both Roosevelt appointees, dissented in all three cases, holding in effect that the majority opinions nullified the purposes of the Wagner act.

In the Fansteel case, the Supreme Court upheld the labor board's order in so far as it required the company to cease and desist from interfering with the right of its employees to organize and bargain collectively.

Partially Upheld

It upheld that part of the board's order requiring the company to withdraw recognition from the Rare Metal Workers of America, Local No. 1, which was formed after the C. I. O. sitdown strike. The opinion held that there was evidence to support the board's contention that the company promoted the formation of this union in violation of the Wagner Act.

The court, however, did not up-

hold the board's order in so far as it required the company to bargain collectively with Lodge 66 of the Amalgamated Association of Iron, Steel & Tin Workers, the C. I. O. union.

Election Ordered

"In view of the change in the situation by reason of the valid discharge of the 'sitdown' strikers and the filling of positions with new men, we see no basis for a conclusion that after the resumption of work Lodge 66 was the choice of a majority of respondent's employees for the purpose of collective bargaining," said the opinion by Chief Justice Hughes.

Whether the Rare Metal Workers of America, Local No. 1, or the C. I. O. union, represents a majority of the employees is a question which the board must determine by means of an election, the court held.

But the court found that the company violated the Wagner act by refusing to bargain collectively with the C. I. O. union prior to the sitdown strike, which began on February 17, 1937.

Other Cases

In the Columbian case, Justice Stone, delivering the majority finding, said that the court could not find substantial evidence to sustain the board's finding that the enameling company had refused to bargain collectively.

Justice Owen J. Roberts, handing down the majority opinion in the Sands case, held that there was not a "scintilla" of evidence to show that the company's unfair labor practices precipitated trouble at its plant. On the contrary, he found that the company had dealt "freely and candidly" with the Mechanics Educational Society of America.

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: December 14, 1951

FROM : L. B. Nichols

SUBJECT:

GENERAL

Jim Donovan of United Press called to request the reason as to why twenty-one Bureau Agents would seek admission to the Supreme Court today. They have had two or three inquiries from clients as to the significance of this. I told Donovan that there was no significance; that they were Agents who were eligible to seek admission to the Supreme Court and that since admissions are moved only at periodic intervals, this obviously was an accumulation.

I think it might be well to watch this in the future and seek to discourage such large groups as this seeking admission.

RECORDED-84

cc - Mr. Glavin

LBN:ptm

I can't see any
objection to this

L. B. Nichols

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THREE	CLASSIFYING

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Holloman
Gandy

Mr. Tolson
Mr. Ladd
Mr. Nichols
Mr. Belmont
Mr. Clegg
Mr. Glavin
Mr. Harbo
Mr. Rosen
Mr. Tracy
Mr. Mohr
Mr. Winterrowd
Tele. Room
Mr. Holloman
Miss Gandy

To Mr
Hoover
From
RLS

To Mr. Hoover
From
R. L. S.
(R. L. Stern)

GENERAL
Write Stern a
note of thanks
him for making
the admission

Attorney General
Deputy Attorney General
Solicitor General
Executive Assistant to the Attorney General
Assistant Attorney General, Anti-Trust.
Assistant Attorney General, Tax
Assistant Attorney General, Civil
Assistant Attorney General, Lands
Assistant Attorney General, Criminal
Assistant Attorney General, Office of Legal Counsel
Administrative Assistant Attorney General
 Accounts Branch
 Records Administration Branch
 Personnel Branch
 Procurement Section
 Transcription Section
Director, FBI
 Assistant to the Director - Room 5640,
Director of Prisons
Director, Office of Alien Property
Commissioner, Immigration and Naturalization.. ..
Pardon Attorney
Parole Board
Board of Immigration Appeals
Librarian
Mr. McCarthy
Mr. [illegible]
Mr. [illegible]
Mr. [illegible]

DEC. 28 1953

100-8167

DECLASSIFIED

10 DEC 1978

FEDERAL BUREAU OF INVESTIGATION

CLASSIFYING

Mr. Stern

TWENTY-ONE SPECIAL AGENTS OF THE FBI WERE ADMITTED TODAY TO PRACTICE
BEFORE THE SUPREME COURT.
THE AGENTS, WHO ARE MEMBERS OF THE BAR OF THE HIGHEST COURTS IN
13 STATES AND THE DISTRICT OF COLUMBIA, WERE PRESENTED BY ACTING
SOLICITOR GENERAL ROBERT L. STERN.

12/14--EG1225P

Let Mr. Stern
12/16/53
b7c

67-0-8459

ENCLOSURE

4/8

December 16, 1953

Mr. Robert L. Stern
Acting Solicitor General
United States Department of Justice
Washington 25, D. C.

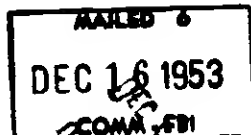
Dear Mr. Stern:

I did want to send you this personal
note of thanks for presenting twenty-one of our
Special Agents to the United States Supreme Court
on December 14, 1953.

All of them appreciate as much as I do
your taking time to present them for practice before
this court.

Sincerely yours,

J. Edgar Hoover



RECORDED-86

Tolson _____
Ladd _____
Nichols _____
Belmont _____
Clegg _____
Glavin _____
Harbo _____
Rosen _____
Tracy _____
Gandy _____
Winterrowd _____
Tele. Room _____
Holloman _____
Miss Gandy _____

RECEIVED CIVIL DIV. DEC 16 1953

NOTE: Address and salutation per reading room.

67-0-8460
Sent _____
Name _____
JAN DEC 16 1953
FEDERAL BUREAU OF INVESTIGATION

DEC 16 1953
CLASSIFIED

RECEIVED - DIRECTOR
U.S. DEPT. OF JUSTICE
DEC 16 5 00 PM '53

RECEIVED READING ROOM
DEC 16 2 00 PM '53

DEC 23 1953
b7c

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd

DATE: December 11, 1953

FROM : Mr. Rosen

GENERAL

SUBJECT: MISCELLANEOUS INFORMATION CONCERNING GROUP OF SPECIAL AGENTS DESIRING ADMISSION TO PRACTICE BEFORE THE U. S. SUPREME COURT

b7c You were advised on December 2, 1953, that a group of Special Agents (approximately 20) were in the process of obtaining the necessary papers for admission to practice before the U. S. Supreme Court. The agents were desirous of having the Acting Solicitor General, Robert L. Stern, as their sponsor and to have him move for their admission to the U. S. Supreme Court. To culminate this, it was recommended that Special Agent [redacted] informally contact the secretary of the Acting Solicitor General to determine his desires on sponsoring the agents.

b7c On Tuesday, December 8, 1953, Special Agent [redacted] contacted [redacted] in the absence of [redacted] also being a secretary of Mr. Stern, and she advised she would be glad to ask Mr. Stern whether he would so honor the agents by acting as their sponsor.

On Thursday, December 10, 1953, [redacted] advised Mr. Stern would be glad to sponsor the agents and set Monday, December 14, 1953, at 11:30 A.M., as the date and time he would sponsor the group.

RECOMMENDATION:

None. This is for your information. [redacted] advised of the names of the Special Agents who are admitted and sufficient copies of this memorandum advising you of their admission will be made for each Special Agent's personnel file.

67-0-8463

Searched
You will be
Numbered
158
11 DEC 22 1953
FEDERAL BUREAU OF INVESTIGATION

JDR/jc

RECORDED - 23

Personnel file

20 JAN 11 1954

DEC 22 1953

The following is a list of Special Agents who are to be admitted to practice before the United States Supreme Court on December 14, 1953:

NAME

STATE ADMITTED TO PRACTISE

[REDACTED]	Missouri
[REDACTED]	District of Columbia
[REDACTED]	District of Columbia
[REDACTED] (New York Office)	North Carolina
[REDACTED]	North Carolina
[REDACTED] (Washington Field Office)	New York
[REDACTED]	Missouri
[REDACTED] (Washington Field Office)	Washington
[REDACTED]	Nebraska
[REDACTED]	Rhode Island
[REDACTED]	Missouri
[REDACTED]	District of Columbia
[REDACTED]	New York
[REDACTED]	Indiana
[REDACTED] (Washington Field Office)	Florida
[REDACTED] (Washington Field Office)	Ohio
[REDACTED]	Ohio
[REDACTED] (Washington Field Office)	Arizona
[REDACTED]	Idaho
[REDACTED]	Wisconsin
[REDACTED]	Georgia

Unless otherwise indicated the above Special Agents are all assigned to the Bureau.

b7c

67-0-8463
ENCLOSURE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Ladd *J*

DATE: December 11, 1953

FROM : Mr. Rosen *Rosen**GENERAL*SUBJECT: MISCELLANEOUS INFORMATION CONCERNING GROUP OF
SPECIAL AGENTS DESIRING ADMISSION TO PRACTICE
BEFORE THE U. S. SUPREME COURT

A group of twenty-one Special Agents will be admitted to practice before the U. S. Supreme Court on Monday, December 14, 1953, on or about 11:30 A.M. Acting Solicitor General, Robert L. Stern, has kindly consented to act as this group's sponsor and move for its admission.

The Special Agents being admitted have indicated a desire, if at all possible, to have a group picture taken with the Director. If such can be arranged in the already busy schedule of Mr. Hoover, the group will be greatly honored and most appreciative. The ceremonies at the U. S. Supreme Court will be concluded about 1:30 P.M., and the Agents involved should be available any time after 2:00 P.M., on Monday, December 14, 1953.

RECOMMENDATION:

That it be determined whether or not Mr. Hoover's schedule will permit him to have his picture taken with the group.

RECORDED - 25

JDR:nem

I shall be glad to do this at 3:30 P.M. Mon

67- <i>Q-8464</i>
Searched
Numbered <i>158</i>
11 DEC 20 1953
FEDERAL BUREAU OF INVESTIGATION

17 JAN 5 1954

RECEIVED - DIRECTOR
DEC 11 1953
FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

North East, Md.
15 August 1957

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Washington, D. C.

Internal Security - General

Dear Sir:

An inclosing clipping which appeared in the Evening Sun of Baltimore about two days ago.

The "Henry Nordin", signer of first letter is quite active. Within two weeks or so following the Un-American Activities hearing in Baltimore in the spring, he wrote a letter of unmitigated castigation for the Committee, its power to interfere with personal activities of citizens and indicated very clearly that he thought groups should have the right to meet, criticize our Constitution and, if according to their personal ideas there should be a new form of Government they should have the uninterrupted pleasure of conspiring to bring such into being by hook or crook. Search of files of the Sun-paper office will prove my assertion regarding the above. The moment I saw his name to the later letter I recalled the incident following the hearings. It rung the Bell.

It being obvious that Bethlehem Steel at Sparrows Point, place of employment for many in the Essex area, is a hot-bed of Communists, it is not too far-fetched to assume that he is active in same place.

I am quite sure that my son was the most American student in the high school here, having been thoroughly indoctrinated by me, a Virginian of generations going back before Revolutionary War. He often reported to me thought-to-be subtle little injections for indoctrination by some instructors. During an interview between part of faculty and me an accusation was directed that he was radical. I, in no uncertain terms, gave them to understand that he was a true product of old dyed-in-the-wool Americanism, a replica of me and my family; that no antipathy was to be directed at him but that they should battle with me on any issue - a more capable opponent.

ENCLOSURE

INDEXED - 73

RECORDED - 73

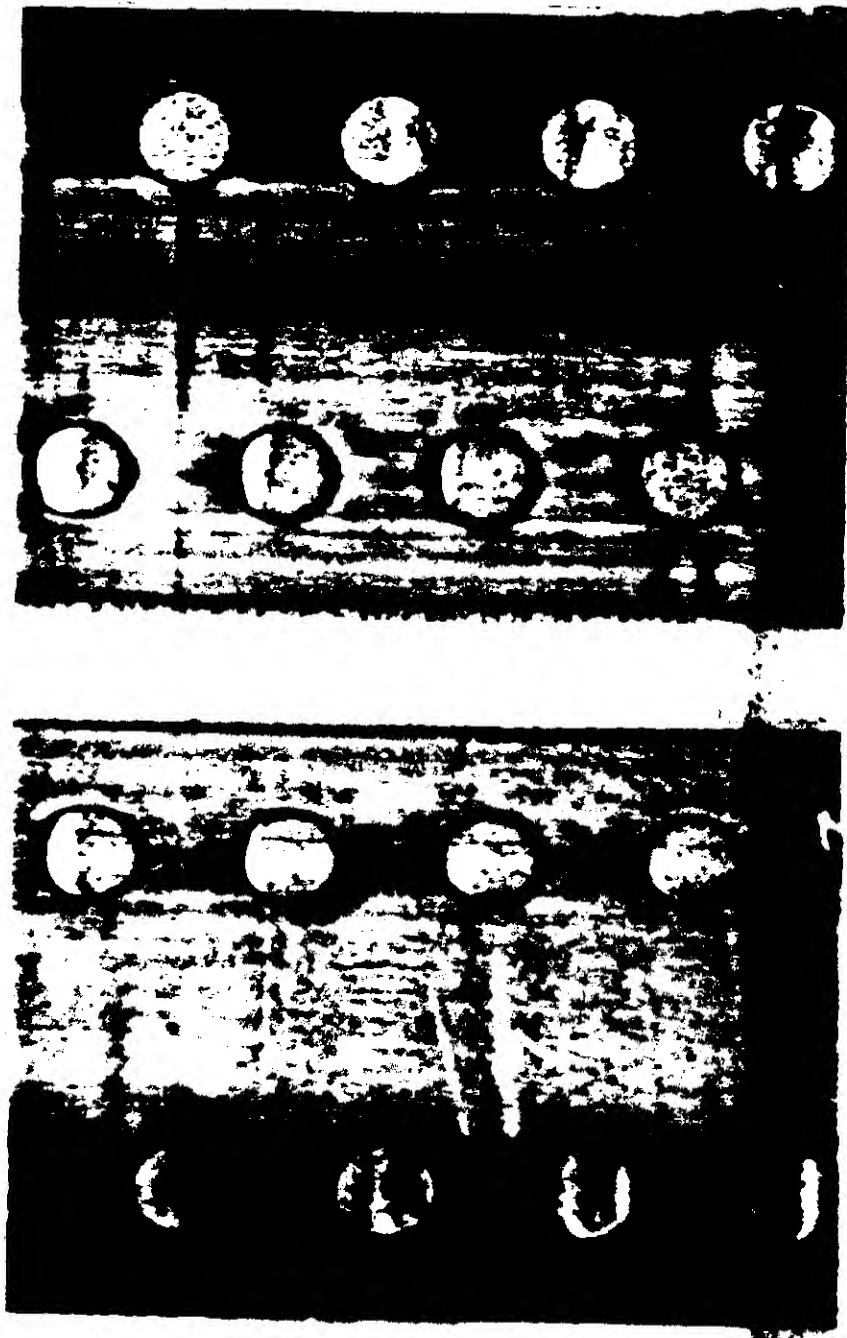
100-0-31668

Do you not think it lamentable that our Senate has been subordinated to a body having no Power to enact Laws, that they are now being affronted by the dirty Gangster arrogance; that they have the pleasure of constantly calling "Uncle, uncle" (meaning Supreme Court) and, that the thousands of hoodlums and Antis in this country may chuckle with assurance that our Congress is no longer the ruling Body of this Nation?

70 SEP 3 1957

Most Sincerely

Best



PERSONAL

Mr. J. Edgar Hoover, Chief
Federal Bureau of Investigation
Washington, D. C.

PERSONAL

CRIME RECORDS

importance than the new age.

To me it seems that the body of men, the Court of the United States recognizes the discontent prevails over a large part of the globe as something fundamental. It would seem that they stand that we cannot make this change by remaking democracy into a dictatorship or even a dictatorship of the few. Evidently they also recognize the fact, if no one else, that the law, at least in this country, cannot forever live in a vacuum.

I see in the court's decisions a belief that the law is a useless thing unless it is supported by all of the people, and the people includes not only the sheeplike conformists, but the minority of nonconformists who are in the nature of things always a thorn in the side.

I do not see how this cratic government can survive another century if every law is challenged either from outside or from within. The body, it gives up its den of thieves piece by piece. I think the court understands this. It is well, and for this understanding it deserves the sincere thanks of every living soul in the United States.

HENRY NORMAN
Essex, July 31.

Teaching Communism In Schools

TO THE EDITOR OF THE EVENING SUN—Sir: In the July 24 Forum, Florence D. Watkins states that she agrees that the 'nature of communism' should be taught in our schools, but it should be presented to the students in its awfulness, including its murders, slave labor, its immorality and its confiscation of property and life. It should not be presented as just a different political, economical or social system with good points and bad points.

I fail to see the connection between mass murders, slave labor, immorality, etc., and communism any more than I can see the connection between lynchings, race riots, prejudice, immorality and democracy. It seems to me the former are universal expressions of baser emotions. The latter are products of his intelligence should be allowed to stand on their own feet as such. In this age of painting our enemies or our villains as becoming takes a peculiar kind of courage to believe it any more.

For one, I enthusiastically support the teaching of comparative economic systems in our public schools. The thing is to be emotionally naive and emotional. The culture of American attitudes toward communism is even that greater emphasis is laid is long overdue. A better understanding of contemporary political ideologies is a necessary product of democratic education.

It is a truism that what we do not understand we fear. Credulous, fearful thinking about communism, is the greatest threat to the democratic life. DAVID PALMER
Baltimore, July 31.

The Supreme Court

TO THE EDITOR OF THE EVENING SUN—Sir: In the Forum of July 24 Mr. Schlipp asked, "What ever happened to the old rule that previous decisions are to be followed whenever possible and legal and established precedent is to govern when the facts and circumstances are similar?"

These times bring to mind some fascinating thoughts. It is probable that future historians will write of these times as another revolutionary age. Aside from the fact that we have entered the time of nuclear power, which in itself is a revolution, there is a sociological revolution taking place over this wide world that may in the end prove itself to be of far more

100-C-31668

Tolson _____
 Parsons _____
 Mohr _____
 Belmont _____
 Callahan _____
 Conrad _____
 DeLoach _____
 Evans _____
 Malone _____
 Rosen _____
 Tavel _____
 Trotter _____
 W.C. Sullivan _____
 Tele Room _____
 Ingram _____
 Gandy _____

DAVID LAWRENCE

A Blow Against Communists

Five Justices' Decision Lauded In Freedom of Speech Case

It seems incredible that, with a "cold war" going on and with billions of dollars being spent by the Soviet government to infiltrate every democratic country in the world, there should be issued by four members of the Supreme Court of the United States—Chief Justice Warren, Justices Black, Douglas and Brennan—an opinion which appears to brush aside the Communist menace.

Fortunately, five other members of the court—Justices Stewart, Clark, Frankfurter, Harlan and Whittaker—see the Communist menace in its realistic form. By their latest decision, they make it clear that the empty claim to protection of "free speech" will not save suspected Communists in the United States from investigation by an authorized congressional committee.

The four dissenting justices insist that witnesses, when asked by a congressional committee whether they are Communists, need not even take the Fifth Amendment but can refuse to answer on the ground that their rights of free speech under the First Amendment are being transgressed.

The argument solemnly proclaimed by the four dissenting justices is that no agency of the Federal Government, be it legislative, executive or judicial, may "harass or punish people for their beliefs, or for their speech about, or public criticism of, laws and public officials."

This doctrine would make it possible for any citizen to decline to tell an investigating committee about rackets, monopolies, payola, or any irregularities in human behavior on which it might be desirable to pass remedial

laws. The witness could merely claim that the congressional committee was "harassing" him for his criticisms of the committee and was trying to punish him for his "beliefs." Congressional efforts to get information on which to base regulatory laws could thus be frustrated.

In the latest opinion—the case of Frank Wilkinson, who refused to give even his place of residence to the House Committee on Un-American Activities—the majority of the justices repeated a statement from a previous decision which said:

"To suggest that because the Communist Party may also sponsor peaceable political reforms the constitutional issues before us should now be judged as if that party were just an ordinary political party from the standpoint of national security, is to ask this court to blind itself to world affairs which have determined the whole course of our national policy since the close of World War II."

What the majority of the court says is supposed to be "the law of the land," but it is being scorned—in the companion case of Carl Braden—by Justice Black, with Chief Justice Warren and Justice Douglas agreeing. In this dissenting opinion these words of defiance are issued:

"The founders of this Nation were not then willing to trust the definition of First Amendment freedoms to Congress or this court, nor am I now."

But to accept the idea that Congress cannot investigate or that the Supreme Court cannot rule on the case of a man who may be serving or helping a hostile government—an enemy—is to deprive the Nation of any power of self-preservation. The pur-

pose of these congressional investigations is to expose the espionage and subversive activities of the whole Communist apparatus in the United States. Loyal American citizens are expected to co-operate with their own Government in all its branches. The Communists have stolen atomic secrets. They have at times infiltrated the departments in Washington. The Supreme Court in the past has taken the view that it isn't a "right of free speech" falsely to cry "Fire!" in a crowded theater. Nor does the "free speech" clause of the Constitution give anyone immunity from an investigation to determine whether he belongs to a party that is financed by, instigated by, and often directed by a foreign government which is seeking to damage the United States and possibly to bring on a war.

Justice Black argues that editors and newsmen who have criticized a congressional committee now could be brought before that same committee and punished for refusing to answer questions. But whenever there is basis for suspecting that a newspaperman is paid by or working for an enemy government, he shouldn't be able to claim immunity under the First Amendment, either.

The House Committee on Un-American Activities is under attack these days by so-called "liberals" who will be encouraged now by the dissenting opinions of the Supreme Court to carry on their campaign to curtail, if not abolish, the work of the House committee and also of the Senate Internal Security Subcommittee. But the defenders of America's safety against the Communist enemy will find an irrefutable argument in the two opinions rendered this week by Justices Stewart, Clark, Frankfurter, Harlan and Whittaker.

(Copyright 1961)

The Washington Post and Times Herald _____
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 Date _____

REC-2

100-0-
 NOT RECORDED
 17 MAR 6 1961

62 MAR 9 1961

EX 101

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. DeLoach

DATE: March 31, 1970

FROM : A. Rosen *Rw*

1 - Mr. DeLoach
1 - Mr. Rosen
1 - Mr. Malley
1 - Mr. Shroder
1 - Mr. Gallagher
1 - Mr. Bishop
1 - Mr. Casper
1 - Mr. Sullivan

SUBJECT: STATE OF ILLINOIS
VS. WILLIAM ALLEN

b7c

SA [REDACTED], Washington Field Office, advised that this morning the United States Supreme Court in an eight to nothing decision written by Mr. Justice Black ruled that a man can lose his right to remain in court if his conduct is such that it disrupts the court.

The ruling was handed down in a State of Illinois case involving William Allen, who had been convicted for armed robbery and sentenced to ten to thirty years. During his trial, Allen was abusive toward the judge and was warned that his conduct would result in his being removed from the court. When he persisted, he was removed but allowed back if he would behave himself. When he continued his abuse, he was removed from the courtroom during his trial.

He filed a writ of habeas corpus in the United States District Court alleging he had been denied his right to remain in the courtroom during his trial. The United States District Court denied his writ, and the United States 7th Circuit Court of Appeals reversed the District Court. The case was then remanded to the United States Supreme Court.

This morning the United States Supreme Court, as mentioned above, by an eight to nothing decision ruled that a man can lose his right to remain in court during his trial if his conduct is such that it disrupts the court.

ACTION: This is for information.

REC-26 *63-0-26873*

RJG:jny
(9)

✓ 10 APR 6 1970

51 APR 10 1970

The Supreme Ct is beginning to see the light of day. H

SLX

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI

DATE: 10/2/70

~~FROM:~~ : SAC, WFO (52-11670) (C)

SUBJECT: UNSUB; Theft of Victor Calculator
SN 234-6-157, From Administrative Offices
Of U.S. Supreme Court, 2/70
TGP
(OO:WFO)

Re WFO airtel to Baltimore, 6/17/70 (IO)
WFO let to Baltimore, 8/19/70 (IO)
BA let to WFO, 8/26/70 (IO)
BA airtel to WFO, 8/31/70 (IO)

ADMINISTRATIVE DATA:

b2.
b7D

b7D,

②-Bureau
2-WFO

b7D

(1-

(4)

10

REC-15, 52-0-13694

OCT 8 1970



**SIX
STAT SENT.**

b7D

[REDACTED]

On March 11, 1970, a check with the Victor Corporation revealed Victor Adding machine 234-6-157 was sold to the United States Office, Administrative Division, United States Courts, WDC, on June 3, 1965. It was assigned to the Legal Aid Division, WDC.

b7C

On April 23, 1970, [REDACTED] Legal Aid Division, WDC, advised that the Victor Calculator machine 234-6-157 was stolen sometime in February, 1970. He stated he was not able to put a specific date of loss since the office was in the process of moving from one building to another, but did know that this machine was one of several stolen in February, 1970.

b7D

[REDACTED]

b7C

[REDACTED]

WFO 52-11670

b7C [REDACTED] Supreme Court, Washington, D.C., advised captioned machine purchased under purchase order 28288, dated June 7, 1965, and is valued at \$500. Captioned machine, according to [REDACTED] would not have been sold by his branch since it is still considered a fairly new machine.

b7C A lead was set forth to interview [REDACTED] at his home, however, the Baltimore Division advised that [REDACTED] as of August 26, 1970, was [REDACTED]

b7C D [REDACTED]

On September 28, 1970, [REDACTED] Attorney, telephonically requested SA [REDACTED] to come to his office and recover a Victor Calculator, SN 234-6-157, which his client, [REDACTED] had brought to his office to be returned to the FBI. The machine was examined and found to be identical with the stolen Government machine. [REDACTED] was furnished a receipt for the machine.

b7C On the same date, the facts of this case were discussed with AUSA JAMES FLANIGAN, WDC. Mr. FLANIGAN advised that since Legal Aid could not put a definite date of loss on the machine, and since it could not be proven that [REDACTED] knew it to be stolen Government Property, he would decline prosecution in this matter. *Opinion confirmed.*

On October 2, 1970, the machine was returned to Legal Aid Division of the U.S. Courts, WDC.

Bureau is requested to credit WFO with recover value of \$500 for the captioned machine.

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☒ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 1/14/83

TO:

DIRECTOR, FBI

FROM:

ADIC, NEW YORK (9A-8833) (C) (M-9)

SUBJECT:

~~UNSUB; THREAT AGAINST UNITED STATES~~
~~SUPREME COURT~~
~~EXTORTION~~
(OO:NEW YORK)

Re WFO teletype to New York dated 6/23/82 and
WFO airtel to NY dated 12/20/82.

For information of the Bureau and WFO, all logical investigation has been conducted in an effort to develop the identity of UNSUB with negative results. Furthermore the results of the latent fingerprint examination was also negative.

Due to the above facts this matter has been closed within the New York office.

Armed and dangerous.

② Bureau
2-Washington Field
1-New York 1. 1983

(3)

b7c

DE-117

90-26683

23 JAN 17 1983

513

b7c

Approved: 171/770

Transmitted _____

(Number)

(Time)

FBI

TRANSMIT VIA:

☐ Teletype
☐ Facsimile
☐ Airtel

PRECEDENCE:

☐ Immediate
☐ Priority
☐ Routine

CLASSIFICATION:

☐ TOP SECRET
☐ SECRET
☐ CONFIDENTIAL
☐ UNCLAS E F T O
☐ UNCLAS

Date 3/8/85

TO: DIRECTOR, FBI
 ATTN: PERSONAL CRIMES UNIT

FROM: SAC, WASHINGTON FIELD OFFICE (9-0) (C-4)

UNSUB;

ANONYMOUS MENACING LETTER
RECEIVED AT UNITED STATES SUPREME COURT;
OO: NEW YORK

Enclosed for the Bureau are three copies of an envelope and letter that were received at the United States Supreme Court on February 19, 1985. Enclosed for New York are the original letter and envelope.

On February 24, 1985, [REDACTED] UNITED STATES SUPREME COURT POLICE DEPARTMENT (USSCPD), advised that the enclosed letter was received at the Supreme Court on February 19, 1985 and was opened some time that week.

The letter and envelope are both typewritten in upper case letters and the envelope bears a postmark which reads, Western Nassua GMF, NY, 115, February 15, 1985. The letter is dated February 15, 1985 and begins, "Ladies and Gentlemen: In August of 1960 I was attacked at the parade grounds of Fort Dix by three blacks and I was never paid for the ugly and permanent injuries sustained..." The letter goes on to state that the writer lost his job with one of the city agencies of the city of New York and received no compensation, and further that he was sent to prison in 1976. The letter concludes with, "Jewish Bank Executives cried when they proved to me that you succeeded in every possible way to ruin my life. However, I have yet to figure out why they gave me your home addresses. See you at the Bank."

(2) Bureau (Enc. 6) ENCLOSURE
 2-New York (Enc. 2)
 1-Washington Field Office

(5)

Approved: [Signature] Transmitted Per
 (Number) (Time)

53 MAY 13 1985

WFO 9-0

██████████ explained that while the home addresses of the Supreme Court Justices are not routinely given out, there have been many articles in various magazines about all of the justices and these articles usually include home addresses. ██████████ advised that all of the Justices will be alerted to note any unusual activity or persons around their residences. ██████████ added that he could not recall receiving any similar letters at the Supreme Court in recent months.

Inasmuch as no threats are made in the enclosed letter, any laboratory analysis is left to the discretion of the office of origin, and the above is provided for information and indexing.

FEBRUARY 15, 1985

LADIES AND GENTLEMEN:

IN AUGUST OF 1960 I WAS ATTACKED AT THE PARADE GROUNDS OF FORT DIX BY THREE BLACKS AND I WAS NEVER PAID FOR THE UGLY AND PERMANENT INJURIES SUSTAINED.

IN 1966 I LOST MY JOB AT ONE OF THE CITY AGENCIES OF THE CITY OF NEW YORK AND THIS WAS FOLLOWED BY NO ASSISTANCE EVER IN THE FORM OF WELFARE, SOCIAL SECURITY, UNEMPLOYMENT INSURANCE, PENSION OR FOOD STAMPS.

IN 1976 I WAS SENT TO PRISON AS THE RESULT OF YOUR SICK AND UNDYING LOVE FOR NELSON ROCKEFELLER.

JEWISH BANK EXECUTIVES CRIED WHEN THEY PROVED TO ME THAT YOU SUCCEEDED IN EVERY POSSIBLE WAY TO RUIN MY LIFE. HOWEVER, I HAVE YET TO FIGURE OUT WHY THEY GAVE ME YOUR HOME ADDRESSES.

SEE YOU AT THE BANK

1-125042

1-27/32

ENCLOSURE

RECEIVED U.S. SUPREME COURT
FEB 19 1985
FEB 19 1985
WASHINGTON, D. C. 20543



1000 Stranahy
20



1-6m 5042

1-6-27/32

ENCLOSURE

Federal Bureau of Investigation
U. S. Department of Justice
Washington Field Office, Room 4244,
Washington, D.C.

October 9, 1936.

PERSONAL AND CONFIDENTIAL

Director,
Federal Bureau of Investigation,
Washington, D.C.

DECLASSIFICATION ON
BY *SPM/CLH*
287,48

Dear Sir:

On October 9, 1936 *[redacted]* Marshal for the Supreme
Court of the United States appeared at the Washington Field Office with
the following information:

Marshal *[redacted]* stated that *[redacted]*

Marshal *[redacted]* stated he did not wish to duly alarm the Chief
Justice without first making some inquiries to substantiate or disprove
the information thus received, and proceeded to interview *[redacted]*
[redacted] who informed him as follows:

COPIES DESTROYED

83 OCT 15 1964

RECORDED
&
INDEXED

FEDERAL BUREAU OF INVESTIGATION

OCT 9 1936 P. M.

OCT 15 1936

TOLSON
TAMM

ONE

Memo A.H.
cc Keenan
Est 10/11/36

[REDACTED]

Marshal [REDACTED] also talked with [REDACTED] who furnished in substance, the same facts as did [REDACTED]

[REDACTED]

b7C
D

In addition to his conversations with [REDACTED] and [REDACTED] Marshal [REDACTED] also interviewed [REDACTED]

[REDACTED]

Marshal [REDACTED] next asked [REDACTED]

[REDACTED]

At this point, Marshal [REDACTED] sought our help. He was informed that because of the delicacy of the problem presented, no action would be taken by this Office unless and until authority therefor was received from the Department.

Very truly yours,

J. M. Keith

J. M. KEITH,
Special Agent in Charge.

JMK:MBL

EAT:RP
62-46240 -1

October 10, 1936

RECORDED

INDEXED

MEMORANDUM FOR THE ATTORNEY GENERAL

~~PERSONAL AND CONFIDENTIAL~~

The following information has been received from [REDACTED]
Marshal for the Supreme Court of the United States:

[REDACTED]

67C
D

Marshal [REDACTED] advised that before reporting this matter to the Court, he believed it desirable to make some inquiries to substantiate or disprove the information obtained and, accordingly, he interviewed [REDACTED]

Mr. Nathan
Mr. Tolson
Mr. Boardman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. [REDACTED]
Mr. [REDACTED]
Mr. [REDACTED]

COMMUNICATIONS SECTION
MAILED

OCT 12 1936

DECLASSIFICATION BY [REDACTED]

6/8/88

287,348

October 10, 1936

Marshal [redacted] advises that he talked with [redacted] who furnished in substance the same facts as did [redacted]

Marshal [REDACTED] stated that through inquiries conducted at

Marshal [redacted] upon reaching this point in his inquiries, decided that the matter was one requiring the attention of this Bureau and, accordingly, he has submitted the facts to the Bureau. I would appreciate being advised whether you desire the Bureau to initiate investigation into this situation.

I am transmitting a copy of this memorandum to Mr. Keenan for his information.

Respectfully,

**John Edgar Hoover,
Director.**

EAT:RP
62-46240

October 10, 1936

**MEMORANDUM FOR THE ASSISTANT TO THE ATTORNEY GENERAL,
MR. JOSEPH B. KEENAN.**

~~PERSONAL AND CONFIDENTIAL~~

For your information I am attaching hereto a copy of a memorandum which I have today addressed to the Attorney General relative to [REDACTED]

b7c

Very truly yours,

John Edgar Hoover,
Director.

DECLASSIFICATION ON
BY *SP1mac* *11/18/88*
287,548

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawson
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Jones
Mr. Lester
Mr. Quinn
Mr. Tamm
Mr. Trotter
Mr. Egan
Mr. Gurnea

Enclosure #863483

COMMUNICATIONS SECTION
MAILED

OCT 12 1936

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

RECORDED

62-46240-2

FEDERAL BUREAU OF INVESTIGATION

OCT 13 1936 P. M.

DEPT. OF JUSTICE

FILE

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 13, 1936

10:50 A.M.
2:35 P.M.

MEMORANDUM FOR MR. Tamm

RE: Complaint relating to receipt of
advance information from Supreme Court.

While Supervisor [redacted] was discussing another case with Mr. McGuire, an attorney in the Department, Mr. McGuire stated that there had been referred to him a personal and confidential memorandum sent to the Attorney General by the Bureau relating to information furnished by [redacted] of the Marshal's Office concerning the receipt of advance information from the Supreme Court. Mr. McGuire stated the Department would desire an investigation but would like to know whether the Supreme Court has been informed of this information, and if not the Department would do so.

I am informed that [redacted] discussed the above subject matter with you and he was advised to contact Mr. McGuire and inform him that the Bureau would like to have a memorandum from the Department outlining just what action should be taken. Mr. McGuire was contacted by Supervisor [redacted] and was informed that what the Department desired to know is whether the Supreme Court had been advised by [redacted] or anyone else of the information that advance notice was being received from the court as to their decisions. He was informed that so far as the Bureau is aware, the court has not been informed and, at least, the Bureau has not done so. Mr. McGuire stated that the Department was inclined to the view that the complainant in this case should have immediately gone to the Supreme Court and advised it of the information received, and also brought the same to the attention of the Bureau, but at any rate Mr. Keenan will desire an immediate investigation by the Bureau. Mr. McGuire was informed that the Bureau would like to have a memorandum from the Department setting forth just what is desired, and that no action will be taken until the receipt of such memorandum. McGuire said that the Department would write a letter to the court and advise the members of the substance of the complaint and would send a memorandum to the Bureau requesting an investigation. He stated that these communications would leave the Department in the immediate future.

RECORDED

Respectfully,

INDEXED

62-46240-3

OCT 16 1936

OCT 14 1936 P. M.

P. E. Foxworth.

TAMM

JOSEPH B. KEENAN
THE ASSISTANT TO THE ATTORNEY GENERAL

Department of Justice
Washington

October 12
1936

PERSONAL AND CONFIDENTIAL

MEMORANDUM FOR MR. J. EDGAR HOOVER

DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION

This will acknowledge the receipt of your memorandum of October 10, 1936, attaching therewith a copy of the memorandum which you under that date, addressed to the Attorney General, relative to [REDACTED]

This is a matter of extreme importance and one that should be immediately investigated for the purpose of obtaining all the facts. Needless to say, the investigation should be conducted with your usual tact and good judgment.

The Chief Justice has been advised of this reference.

Joseph B. Keenan
Joseph B. Keenan,
The Assistant to the Attorney General.

RECORDED
&
INDEXED

OCT 26 1936

62-46240-4	
INVESTIGATION	
OCT 17 1936	A.M.
U.S. DEPT. OF JUSTICE	FILE

Mr. Nathan...
Mr. Tolson...
Mr. Baughman...
Mr. Clegg...
Mr. Coffey...
Mr. Cowsey...
Mr. Egan...
Mr. Foxworth...
Mr. Glavin...
Mr. Harbo...
Mr. Joseph...
Mr. Lester...
Mr. Nichols...
Mr. Quinn...
Mr. Schilder...
Mr. Tamm...
Mr. Tracy...
Miss Gandy...

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

Mr. Nathan _____
Mr. Tolson _____
Mr. Baughman _____
Mr. Clegg _____
Mr. Coffey _____
Mr. Egan _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Harbo _____
Mr. Joseph _____
Mr. Kleinhaus _____
Mr. Lester _____
Mr. Nichols _____
Mr. Quinn _____
Mr. Schilder _____
Mr. Tamm _____
Miss Gandy _____

Record of Telephone Call of Visitor.

October 15, 1936.

Time 5:30 pm

Name Miss Berard tele.

Referred to _____

Details: _____

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED

DATE 6/8/88 BY SP7MCE/HIC
78754V

Miss Berard referred to the request of Mr. McGuire that someone interview the Chief Justice of the Supreme Court in connection with reports that an employee of the Court is getting advance information concerning Supreme Court decisions. She stated that the Chief Justice is very much interested and he wants an agent to come to his house tomorrow morning or to be at the Supreme Court. She said she wants to make sure that the Chief Justice will be seen somewhere tomorrow morning. He has indicated that he wishes someone who knows about the case to be at his home tomorrow morning.

OCT 26 1936

Mr. Tamm is taking care of this matter and ~~will~~ has submitted a memorandum recommending that agents ~~and~~ and Rosen be assigned to this case.

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RECORDED
hwg

62-462410-4

FEDERAL BUREAU OF INVESTIGATION

TAMM OCT 17 1936

21

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

EAT:RP

October 15, 1936

MEMORANDUM FOR THE DIRECTOR

RE: Alleged Irregularity on part of Employee of Supreme Court

Mr. McGuire in the Department called and advised that he has recontacted the Chief Justice of the Supreme Court and informed him that this matter was being referred to the Bureau for investigation and that the direction of the investigation would hereafter be in your hands. Chief Justice Hughes requested that the Agent who is going to conduct this investigation contact him at his home, 2223 R Street, tomorrow morning at 9:30 A. M., in order that the Chief Justice can indicate his views in the situation.

The case is not particularly involved and should not require more than two days to complete. I believe that it would be well, however, for two men to jointly conduct all interviews in the case, and recommend that Agents [redacted] and A. Rosen of the Field Office be designated for this assignment. If you approve this selection, they will be instructed to contact the Chief Justice at his residence tomorrow morning and will be furnished with the basic facts in the situation meanwhile.

Respectfully,

E. A. Tamm.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

DATE 6/8/88 BY SP7MAC/HC
#287,548

RECORDED

OCT 26 1936

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62-46240-4	
INVESTIGATION	
OCT 17 1936	A. M.
U. S. DEPARTMENT OF JUSTICE	
TAMM	FILE

OFFICE OF DIRECTOR
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

October 16, 1936.

12:15 pm

Mr. Maguire in the office of Mr. Keenan telephoned to ask if the matter Miss Berard called about last night had been taken care of. (This was the Supreme Court matter.)

Mr. Maguire was advised that Miss Berard's mess had been given to Mr. Tamm as he is supervising the matter.

Mr. Maguire said he wished to be kept advised of developments and was assured that this also would be conveyed to Mr. Tamm.

hwg

Refer all to Director
OCT 26 1936

RECORDED

FEDERAL

INVESTIGATION

OCT 17 1936

U. S.

TAMM

Mr. Tolson
Mr. Clegg
Mr. Coffey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson
Mr. Hendon
Mr. Jones
Mr. Quinn
Mr. Nease
Miss Gandy

FEDERAL BUREAU OF INVESTIGATION

1936.

TO

<u>Director</u>	<u>Files Section</u>
<u>Mr. Nathan</u>	<u>Personnel Files</u>
<u>Mr. Tolson</u>	<u>Chief Clerk's Office</u>
<u>Mr. Quinn</u>	<u>Identification Division</u>
<u>Mr. Clegg</u>	<u>Technical Laboratory</u>
<u>Mr. Foxworth</u>	<u>Mechanical Section</u>
<u>Division Two</u>	

SUPERVISORS

<u>Mr. Fletcher</u>	<u>Mr. Spear</u>
<u>Mr. McDade</u>	<u>Mr. Suran</u>
<u>Mr. McIntire</u>	<u>Mr. Vincent</u>
<u>Mr. Smith</u>	<u>Mr. Wyly</u>

* * *

<u>Miss Gandy</u>	<u>See Me</u>
<u>Mrs. Fisher</u>	<u>Send File</u>
<u>Mr. Ward</u>	<u>Call me regarding this</u>
<u>Miss Conlon</u>	<u>Correct</u>
<u>Typists 5230</u>	<u>Note and Return</u>
<u>M R Tracy</u>	<u>Search, serialize and ro</u>

Hold for Director



E. A. TAMM - 5742.

Mr. Nathan
Mr. Tolson
Mr. Ruchman
Mr. Clegg
Mr. Coffey
Mr. Dwyer
Mr. Egan
Mr. Gurnea
Mr. Harbo
Mr. Hendon
Mr. Jones
Mr. Lester
Mr. Quinn
Mr. Tracy
Miss Gandy

~~Personal and Confidential~~

Washington Field Office, Room 4244,
Washington, D. C.

October 24, 1936.

MEMORANDUM FOR THE DIRECTOR

Re: [REDACTED] b7C
Alleged Attempt to Sell Advance
Opinions of the U. S. Supreme
Court

DECLASSIFICATION ON
BY *SP7mac/Hic*

6/2/82
287,548

A copy of [REDACTED]

[REDACTED] was exhibited to
Chief Justice Hughes, and he requested that he be allowed to retain the
copy, which was permitted.

The Chief Justice, upon reading the memorandum [REDACTED]
[REDACTED] was visibly moved and stated that it was a most serious and
extraordinary development, inasmuch as [REDACTED] has been a
trusted employee of the U. S. Supreme Court since 1897.

Due to the developments in this case, Agents [REDACTED] and Rosen
will hereafter contact the Chief Justice at his home, 2223 R St., N. W.,
and will not appear at any time in the future in the Supreme Court Build-
ing. The Chief Justice requested the unlisted telephone number of the
Washington Field Office, and in addition thereto requested that the con-
tents of the aforementioned conversation between Agent [REDACTED] and [REDACTED]
not be given to the Department of Justice. He was informed that the
contents of this conversation are known only to the Director of this Bureau
and the three Agents working on the case.

[REDACTED]

RECORDED

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U. S. DEPARTMENT OF JUSTICE

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83 OCT 15 1964

FILE

b7C,
E.

[REDACTED]

On the afternoon of October 23, information was obtained from
[REDACTED] at the Supreme Court that [REDACTED]

b7D
C

[REDACTED]

b7C,
E

[REDACTED]

Respectfully,

EAT

E. A. Taam.

EKT:MC

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 16, 1936

JAS:RP

MEMORANDUM FOR THE DIRECTOR

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Baughman	
Mr. Clegg	
Mr. Coffey	
Mr. Dawsey	
Mr. Egan	
Mr. Foxworth	
Mr. Glavin	
Mr. Harbo	
Mr. Joseph	
Mr. Lester	
Mr. Nichols	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	
Mr. Tracy	
Miss Gandy	

H
W
am
b7C
JP
7-13

b7C Pursuant to your instructions, Agents Rosen and [REDACTED] were authorized to see Chief Justice Hughes at 4:30 P.M. today in connection with the case involving certain irregularities on the part of an employee of the Supreme Court. A memorandum will be prepared tonight on the developments to date, and information will be transmitted to you daily relative to the progress made.

Respectfully,

J. A. Smith, Jr.
J. A. Smith, Jr.

RECORDED
&
INDEXED

62-46240-6

OCT 18 1936

OCT 21 1936

JOHN EDGAR HOOV
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 17, 1936

Mr. Tolson ✓
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Mr. Gandy

MEMORANDUM FOR THE DIRECTOR

Re: [REDACTED] Alleged Attempt
to Sell Advance Opinions of the
Supreme Court of the United States.

The following investigation was conducted on October 17,
1936 by Special Agents [REDACTED] and A. Rosen and the results
furnished to [REDACTED]

A signed statement was secured from [REDACTED]

A personnel file on [REDACTED] was examined at the Federal Land Bank,
Washington, D. C., but nothing of value was secured therefrom. It was
ascertained that he has no war record or record in the Civil Service

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&
INDEXED

OCT 22 1936

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OCT 22 1936

62-46240-7

RT

Memo for the Director

2

10-17-36

Commission. The investigation is being continued.

b7D,
c

[REDACTED]

Respectfully,

E. A. Tamm
E. A. Tamm. *JM*

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 15, 1936.

Mr. Nathan
Mr. Tolson
Mr. Baugh
Mr. Clegg
Mr. Coffey
Mr. Dawes
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

MEMORANDUM FOR THE DIRECTOR

b7C D
Some days ago, United States Marshal [redacted] of the Supreme Court of the United States called at the Washington Field Office and advised Mr. Keith concerning alleged irregularities on the part of a clerk of the Supreme Court of the United States, who endeavored to perfect some arrangement with [redacted] [redacted] could presumably make money on his advance information concerning decisions handed down by the Supreme Court. The substance of this information was furnished to the Attorney General in a personal and confidential memorandum, with the request that the Bureau be advised if an investigation was authorized, it being noted that the Justices of the Supreme Court did not know of this occurrence. The Attorney General evidently referred the matter to Mr. Keenan, who in turn referred it to the Criminal Division, and Mr. McGuire of the Criminal Division called me about one o'clock today to advise that pursuant to a request from the Chief Justice of the Supreme Court to discuss this matter with someone who was familiar with the facts, he, McGuire, had gone to the Supreme Court this morning and laid the facts before Chief Justice Hughes, pointing out that he knew the facts only secondarily.

b7C
McGuire said that upon his return to his own office, he found a note of a call from Chief Justice Hughes expressing a desire to discuss the matter further with someone intimately acquainted with the details. McGuire said he had informed the Chief Justice that he, McGuire, would instruct the Special Agent who had initiated the investigation of this matter to report to the Supreme Court at 4:30 this afternoon to discuss the matter further with the Chief Justice.

I informed McGuire that the Bureau had not initiated any investigation into this matter since we were awaiting Departmental instructions; that consequently, there was no Agent available who was intimately in possession of all the facts. I told McGuire that it would appear the logical thing to have done in the beginning would be to have called upon the Director of the Bureau, or someone designated by him, to present the facts to the Chief Justice, and that since McGuire had already presented the facts to the Chief Justice and since the Bureau did not have authority to conduct any investigation, there would not appear to be anyone in the Bureau who could carry out McGuire's so-called "instructions" in this matter; that since he, McGuire,

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&
INDEXED.

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OCT 26 1936

Memo for the Director

-2-

10/15/36

had handled the matter thus far, he might notify the secretary to Justice Hughes that the Department had no information other than that which he had previously been furnished.

The impression I obtained from talking with McGuire is that he had "big timed" himself to the Chief Justice this morning, and had announced what he would instruct the Director of the Bureau to do. Consequently, I believe that until the Bureau receives some written authorization from the Department to conduct this investigation, we should let McGuire get himself out of the situation into which he has placed himself.

Respectfully,


E. A. TAMM.

OFFICE OF DIRECTOR
BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

Record of Telephone Call of Visitor.

Oct. 15 1936.

Time 12:03

Name Mr. McGuire in Mr. Keenan's
Office tele.

Referred to

Details:

Stated he had been unable to get in touch with Mr. Tamm and he would like to speak with the Director. When informed the Director was out he stated that what he wanted to ask the Director was to have him send the Agent who is investigating the matter at the Supreme Court, up to see the Chief Justice of the Supreme Court at 4:30 PM this afternoon. Mr. McGuire stated that he had been up to see the Chief Justice and the latter stated he desired to see the Agent who is working on the case and who is familiar with the facts, this afternoon at 4:30. Mr. McGuire stated that arrangements for the appointment could be made thru Mr. Hogue, Law Clerk to the Chief Justice, at National 5321, but that Mr. McGuire would like to have Mr. Tamm call when Mr. Tamm returned. This message was left with Mr. Smith in Mr. Tamm's office. cek

RECORDED
OCT 26 1936

62-46240-9
OCT 15 1936

Mr. Nathan

Mr. Cio

Mr. Egan

Mr. Foxworth

Mr. Glavin

Mr. Harbo

Mr. Joseph

Mr. Kleinhaus

Mr. Lester

Mr. Nichols

Mr. Quinn

Mr. Schilder

Mr. Tamm

Mr. Tracy

Miss Gandy

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 17, 1936

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Baughman	.....
Mr. Clegg	.....
Mr. Coffey	.....
Mr. Dawsey	.....
Mr. Egan	.....
Mr. Foxworth	.....
Mr. Glavin	.....
Mr. Harbo	.....
Mr. Joseph	.....
Mr. Lester	.....
Mr. Nichols	.....
Mr. Quinn	.....
Mr. Schilder	.....
Mr. Tamm	.....
Mr. Tracy	.....
Miss Gandy	.....

MEMORANDUM FOR THE DIRECTOR

RE:

Alleged Attempt to Sell Advance
Opinions of the Supreme Court of
the United States.

The following investigation was conducted on October 16,
1936, by Special Agents [redacted] and A. Rosen:

[redacted], under whose
supervision [redacted] works, exhibited [redacted] personnel file, which
reflects that [redacted] was born in Mississippi on November 30, 1880,
and was engaged in [redacted] business for approximately fifteen
years. From August 20, 1932, to August 20, 1933, he was employed
as [redacted]. On
January 2, 1935, he was appointed to his present position as the
[redacted] for the Supreme Court Building at an
annual salary of \$1800.

It was ascertained that [redacted]

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OCT 21 1936

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FEDERAL BUREAU OF INVESTIGATION	
OCT 20 1936 A.M.	
U. S. DEPARTMENT OF JUSTICE	
TOLSON	FILE
TAMM	

Memo for Director

-2-

October 17, 1936

b7D,
C

[REDACTED]

The Chief Justice has been fully advised as to the progress of the investigation to date. The Chief Justice suggested the possibility that a microphone might be concealed in the conference rooms of the Supreme Court, and requested that before the investigation is completed, the Agents make a thorough search of the conference rooms.

b7C by [REDACTED] This information was secured from Agents Rosen and [REDACTED]

Respectfully,


E. A. Tamm
E. A. Tamm. *JAS*

Federal Bureau of Investigation
U. S. Department of Justice

Washington, D. C.




October 21, 1936.

MEMORANDUM FOR THE DIRECTOR

Re 
Alleged attempt to sell advance
opinions of U. S. Supreme Court.

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Baughman	
Mr. Clegg	
Mr. Coffey	
Mr. Dawsey	
Mr. Egan	
Mr. Foxworth	
Mr. Glavin	
Mr. Harbo	
Mr. Joseph	
Mr. Lester	
Mr. Nichols	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓
Mr. Tracy	
Miss Gandy	

Supreme Court decisions
#Wire tapping
12/14-53
67C
67D

Respectfully,

E. A. Tamm

E. A. Tamm

AR:EB

RECORDED
&
INDEXED

62-46240-11


OCT 25 1936

TOLSON
TAMM

RECORDED COPY FILED IN 62-12114-53

Mr. Nathan
Mr. Tolson
Mr. Boardman
Mr. Clegg
Mr. Coffey
Mr. Dawkins
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Mr. Carson

any



Attempting to Sell Advance
Opinions of the U. S. Supreme
Court

b7D
C

07E

67E

62-46240-12

83 OCT 15 1964



OCT 24 1936

OCT 25 1936

TOLSON

FAMM

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b7E

In talking with Agent Rosen yesterday afternoon, Chief Justice Hughes informed him that he did not wish the arrangements to reach a point where there would be an actual delivery of one of the advance opinions of the Supreme Court.

Respectfully,



E. A. Tamm.



b7C

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice
Washington, D. C.

October 16, 1936

Mr. Nathan ✓
Mr. Tolson ✓
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm ✓
Mr. Tracy
Miss Gandy

MEMORANDUM FOR THE DIRECTOR

Pursuant to your instructions, Special Agents [redacted] and A. Rosen interviewed Chief Justice Charles Evans Hughes at his residence, 2223 R Street, N.W., at 9:30 this morning with reference to the alleged leak in the Supreme Court whereby advance notice of the opinions to be handed down would be furnished by [redacted] an employee in the Supreme Court Building, to members of [redacted]

The Chief Justice furnished no additional information other than that possessed at the present time by the Bureau, but indicated that he desired two points in particular to be stressed in the investigation, first, if, in fact, [redacted] made any overtures to [redacted] or to any individuals relative to selling or making use of advance information of Supreme Court decisions, and second, that inasmuch as [redacted] was not in a position from his employment to secure this information, who, if any, person or persons were acting in collusion with him, the second person being in a position to secure advance copies of the decisions to be handed down.

The Chief Justice requested that the two Agents keep him informed from day to day of the progress of the investigation, and he indicated that he was quite concerned about the matter as it reflected upon the integrity of the Court and its employees. He particularly desired to be informed this day at 4:30 P.M. of the results of the investigation to date. The Chief Justice further informed the Agents that [redacted] had spoken to him last evening; that the Chief Justice had also spoken to Marshal [redacted] of the Supreme Court relative to this matter, and the conclusion drawn was to the effect that [redacted] in his capacity in [redacted] in the Supreme Court Building, could not be in a position to obtain any information concerning the opinions to be rendered by the Court; that the only possibility for obtaining such information would arise through collusion with some other employee of the Supreme Court. Due to the rules of recording all visits to any part of

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OCT 23 1936

TAMM

Memo for Director

-2-

October 16, 1936

b7c the Supreme Court Building by persons employed in the building or outsiders, it is the opinion of [REDACTED] and the Chief Justice that no one could have obtained information in advance of the decisions of the Court. Unless otherwise instructed, Agents will orally report to the Chief Justice each day as to the progress of the investigation.

b7c This information was secured by [REDACTED] from Agents Rosen and [REDACTED]

Respectfully,

E. A. Tamm
E. A. Tamm J.A.S.

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 23, 1936.

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Baughman	.....
Mr. Clegg	.....
Mr. Coffey	.....
Mr. Dawsey	.....
Mr. Egan	.....
Mr. Foxworth	.....
Mr. Glavin	.....
Mr. Harbo	.....
Mr. Joseph	.....
Mr. Lester	.....
Mr. Nichols	.....
Mr. Quinn	.....
Mr. Schilder	.....
Mr. Tamm	.....
Mr. Tracy	.....
Miss Gandy	.....

MEMORANDUM FOR THE DIRECTOR

Re: [REDACTED]
Alleged Attempt to Sell Advance
Opinions of the United States
Supreme Court.

With reference to my memorandum of even date in
the above entitled matter, it has been discreetly ascertained
that the name of [REDACTED] alleged associate in the Supreme
Court building is [REDACTED] has
been [REDACTED] at the United States Supreme Court.

It was also ascertained that although [REDACTED]
is listed as [REDACTED] at the United States
Supreme Court, his principal duty is [REDACTED]

Respectfully,

E. A. TAMM.

RECORDED
&
INDEXED

OCT 24 1936

62-46240-14	
FEDERAL BUREAU OF INVESTIGATION	
OCT 24 1936	
U. S. DEPARTMENT OF JUSTICE	
TOLSON TAMM	FILE

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation


U. S. Department of Justice

Washington, D. C.

October 23, 1936.



PERSONAL AND CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR

Re:  b7c
Alleged Attempt to Sell Advance
Opinions of the United States
Supreme Court.





Inasmuch as it appears that 
 it would be advisable to present the case
as it now stands to the Chief Justice prior to conducting any
further investigation which might involve other trusted employees
of the Supreme Court.

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&
INDEXED.

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83 OCT 15 1964

62-46240-15	
FEDERAL BUREAU OF INVESTIGATION	
OCT 24 1936	
U. S. DEPARTMENT OF JUSTICE	
704-1000	FILE

Mr. Nathan	.....
Mr. Tolson	.....
Mr. Baughman	.....
Mr. Clegg	.....
Mr. Coffey	.....
Mr. Dawsey	.....
Mr. Egan	.....
Mr. Foxworth	.....
Mr. Glavin	.....
Mr. Harbo	.....
Mr. Joseph	.....
Mr. Lester	.....
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

6/8/36
BY *Spina*
+ 287,518

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E

b7c

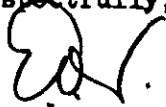
Memo. for the Director

- 2 -

October 23, 1936.

672 The Chief Justice will be interviewed today at 4:30 P.M. by Agents [REDACTED] and Rosen, and the matter presented to him in its entirety for his decision.

Respectfully,


E. A. TAMM.

AR:IJ

CLASS OF SERVICE DESIRED		FOREIGN	
DOMESTIC		FULL RATE	
DAY LETTER		CODE (CDE)	
NIGHT MESSAGE		URGENT	
NIGHT LETTER		DEFERRED	
		LONG LETTER (NLT)	
		SHIP RADIOGRAM	

Hackay Radio
 THE INTERNATIONAL SYSTEM
 Commercial Cables Postal
 all America Cables
 Telegraph

DOMESTIC SERVICES } 15 USUAL PRICE OF WORDS FOR THE
 DCC-3 NO
 RLT:aw
 5:10 P.M.
 cc-Bureau ✓

NEW ORLEANS,
 October 21, 1936.

Send the following radiogram "VIA HACKAY RADIO"
 subject to the terms on back hereof, which are hereby agreed to:

DECODED COPY OF MESSAGE:

J. M. KEITH
 FEDERAL BUREAU OF INVESTIGATION
 U. S. DEPARTMENT OF JUSTICE
 4244 U. S. Department of Justice
 Washington, D. C.

INFORMATION CONCERNING
 INACTIVE FILE CAN BE EXAMINED TOMORROW
 POSSIBLE TO ASSIST IDENTIFYING

b7C ID

ADDRESS IF
 62-46240
 BUREAU OF INVESTIGATION
 OCT 21 1936 A.M.
 DEPARTMENT OF JUSTICE
 TELEGRAPH OFFICE
 POSTAL CALL BOX
 FILE

THE MACKAY RADIO AND TELEGRAPH COMPANY TRANSMITS AND DELIVERS THE WITHIN MESSAGE SUBJECT
TO THE FOLLOWING TERMS AND CONDITIONS

To guard against mistakes or delays, the sender of a message should order it REPEATED; that is, telegraphed back to the originating office for comparison. For this, one-half the unrepeated-message rate is charged in addition. Unless otherwise indicated on its face, THIS IS AN UNREPEATED MESSAGE AND PAID FOR AS SUCH, in consideration whereof it is agreed between the sender of the message and this Company as follows:

1. The Company shall not be liable for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the UNREPEATED-MESSAGE rate, whether caused by the negligence of its servants or otherwise, beyond the sum of FIVE HUNDRED DOLLARS; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the REPEATED-MESSAGE rate, beyond the sum of FIVE THOUSAND DOLLARS; nor for mistakes or delays in the transmission or delivery, or for non-delivery, of any message received for transmission at the SPECIALLY VALUED MESSAGE rate, beyond the sum at which such message shall be valued, in writing, by the sender thereof when tendered for transmission and for which payment is made or agreed to be made of the amount of the repeated-message rate and an additional charge equal to one-tenth of one per cent of the amount of the specially valued message. Each written valuation shall exceed five thousand dollars; nor in any case for delays arising from mistakes or errors in the working of its lines, or for errors in cipher or obscure messages.

2. The Company is hereby made the agent of the sender, without liability, to forward this message over the lines of any other Company when necessary to reach its destination.

3. Messages will be delivered free within one-half mile of the Company's office in towns of 5,000 population or less, and within one mile of such office in other cities or towns. Beyond these limits the Company does not undertake to make delivery, but will, without liability, at the sender's request, as his agent and at his expense, endeavor to contract for him for such delivery at a reasonable price.

4. No responsibility attaches to this Company concerning messages until the same are accepted at one of its transmitting offices; and if a message is sent to such office by one of the Company's messengers, he acts for that purpose as the agent of the sender.

5. The Company shall not be liable for damages or statutory penalties in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

6. It is agreed that prompt and correct transmission and delivery of this message shall be presumed in any action for recovery of tolls therefor, subject, however, to rebuttal by competent evidence.

NO EMPLOYEE OF THIS COMPANY IS AUTHORIZED TO VARY THE FOREGOING.

MACKAY RADIO AND TELEGRAPH COMPANY.

CH:MEL

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

OCT 21 1936

To: COMMUNICATIONS SECTION.

Transmit the following message to:

NEWORLEANS

H
[REDACTED] INFORMATION CONCERNING DISCREETLY ASCERTAIN AT [REDACTED]

[REDACTED] NEWORLEANS IF [REDACTED] IN THAT

b7c,
D
[REDACTED] CONCERN AT ANY TIME IF SO WIRE EXTENT AND [REDACTED]

KEITH

CH

cc-BUREAU ✓

code underlined words, please.

62-46240	
FEDERAL BUREAU OF INVESTIGATION	
OCT 21 1936	
U. S. DEPARTMENT OF JUSTICE	
SEARCHED	FILE

SENT VIA _____ M Per _____

EXT:MBL

FEDERAL BUREAU OF INVESTIGATION
U. S. DEPARTMENT OF JUSTICE

OCTOBER 22 1936

To: COMMUNICATIONS SECTION.

Transmit the following message to:

Em

NEW ORLEANS

INFORMATION CONCERNING [REDACTED] HAS LIVED FOLLOWING PLACES
IN TEXAS [REDACTED] TO [REDACTED]
[REDACTED] HOUSTON

67C

KEITH CBB

CC-Bureau ✓

(code underlined words please)

62-46240
FEDERAL BUREAU OF INVESTIGATION
OCT 22 1936 P.M.
FILE

SENT VIA _____ M Per _____

~~Personal and Confidential~~

Washington Field Office, Room 4244,
Washington, D. C.

October 19, 1936

DECLASSIFICATION ON
BY *SP7 mcl/als*
207,518

MEMORANDUM FOR THE DIRECTOR

Re: [REDACTED] Attempting to
Sell Advance Opinions of
the U. S. Supreme Court

In a conversation with Special Agents [REDACTED] and
A. Rosen on Saturday afternoon, Chief Justice Hughes indicated to the
Agents that he desired that an effort be made to ascertain the identity
of some acquaintances of [REDACTED], having in mind that one of his
acquaintances might be the person with whom he is acting in collusion
in an attempt to secure advance opinions of the United States Supreme
Court.

RECORDED & INDEXED
Respectfully

E. A. Tamm.

62-46240-16
FEDERAL BUREAU OF INVESTIGATION

OCT 28 1936 A. M.

U. S. DEPARTMENT OF JUSTICE

OCT 29 1936

Mr. Nathan
Mr. Tolson
Mr. Boardman
Mr. Clegg
Mr. Coffey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Ladd
Mr. Nichols
Mr. Rosen
Mr. Tracy
Miss Gandy

RECORDED COPY FILED IN 62-12114-857

WAG:cv.

DECODED COPY

FED DEPT OF JUSTICE WASHINGTON DC 0711

FBI NEW ORLEANS 10-23-36

SAC WASHINGTON FIELD

PHONE. [REDACTED] INFORMATION CONCERNING. [REDACTED] ADDRESS

[REDACTED] TEXAS [REDACTED]

67C

67D

TOLLEY

END

cc-
Bureau

62-46240	
FEDERAL BUREAU OF INVESTIGATION	
OCT 21 1936 A. M.	
U. S. DEPARTMENT OF JUSTICE	
<i>EW</i>	FILE

b7c

[REDACTED]

Respectfully,



E. A. Tamm

[REDACTED]

b7c

FEDERAL BUREAU OF INVESTIGATION

Form No. 1
THIS CASE ORIGINATED AT

Washington, D. C.

FILE NO. 62-767. [REDACTED]

REPORT MADE AT New Orleans, Louisiana	DATE WHEN MADE 10/26/36	PERIOD FOR WHICH MADE 10/21, 22 & 23/36	REPORT MADE BY [REDACTED] b7c
TITLE [REDACTED] b7c		CHARACTER OF CASE INFORMATION CONCERNING	
SYNOPSIS OF FACTS: <div style="display: flex; align-items: center;"> <div style="width: 15%; text-align: center;"> b7c, D </div> <div style="width: 85%; background-color: black; height: 150px; margin-left: 10px;"></div> </div> <div style="text-align: right; margin-top: 10px;"> R. U. C. </div>			
REFERENCE: Teletype message from Washington Field dated October 21, 1936.			
DETAILS: This investigation is predicated upon reference teletype received October 21, 1936 from the Washington Field Office, which message requested that it be discreetly ascertained if [REDACTED]			
<div style="display: flex; align-items: center;"> <div style="width: 15%; text-align: center;"> b7c D </div> <div style="width: 85%; background-color: black; height: 40px; margin-left: 10px;"></div> </div>			
On October 21, 1936, Special Agent in Charge R. L. Tollett of the New Orleans Office contacted [REDACTED]			
<div style="display: flex; align-items: center;"> <div style="width: 15%; text-align: center;"> b7c D </div> <div style="width: 85%; background-color: black; height: 60px; margin-left: 10px;"></div> </div>			
The Washington Field Office was requested by wire on October 22, 1936 to furnish the New Orleans Office with [REDACTED] address. The Washington Field Office advised by wire on October 22, 1936 that [REDACTED] lived in the follow-			
APPROVED AND FORWARDED: <i>R. L. Tollett</i>		SPECIAL AGENT IN CHARGE DO NOT WRITE IN THESE SPACES	
COPIES OF THIS REPORT 3-Bureau 2-Washington Field (encl.) 2-New Orleans.		<div style="font-size: 2em; font-family: cursive;">62-46240-18</div> <div style="text-align: right; font-weight: bold;">OCT 30 1936</div> <div style="text-align: right; font-weight: bold;">NOV 2 1936</div> <div style="text-align: center; font-size: 2em; font-family: cursive;">SW</div>	
COPIES DESTROYED 22 OCT 15 1964			

b7c

ing towns in Texas during [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b7c
D

No further information concerning this individual was available

The Washington Field Office was advised of the substance of the foregoing information concerning [REDACTED] by teletypewriter on October 23, 1936.

b7c

REFERRED UPON COMPLETION TO THE OFFICE OF ORIGIN

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 30, 1936.

AR:IJ

MEMORANDUM FOR THE DIRECTOR

Re: Alleged Attempt to Sell Advance Opinions
of the Supreme Court of the United States.

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Bradham	
Mr. Clegg	
Mr. Coffey	
Mr. Dwyer	
Mr. Egan	
Mr. Foxworth	
Mr. Glavin	
Mr. Ladd	
Mr. Nichols	
Mr. Quinn	
Mr. Schick	
Mr. Tamm	✓
Mr. Tracy	
Miss Gandy	

Handwritten: 18
57C
D

Handwritten: R.R.

[REDACTED]

[REDACTED]

[REDACTED]

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83 OCT 15 1964

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&
INDEXED

NOV 2 1936

62-46240-18X	
FEDERAL BUREAU OF INVESTIGATION	
NOV 20 1936 A.M.	
U. S. DEPARTMENT OF JUSTICE	
To LSON TAMM	FILE

Memo. for the Director

2

October 30, 1936.

b7C, D, E

[REDACTED]

Respectfully,

E. A. Tamm

E. A. TAMM.

Federal Bureau of Investigation
U. S. Department of Justice

AR:EB

Washington, D. C.
October 28, 1936.

MEMORANDUM FOR THE DIRECTOR

Re: [REDACTED]
Alleged Attempt to Sell Advance
Opinions of the Supreme Court

Investigation is being continued and arrangements will be made this evening to contact [REDACTED] and have [REDACTED] (Agent [REDACTED]) interview [REDACTED] relative to the delivery of an opinion in either the A. and P. Chain Store case or the Iowa Chain Store Tax case. Both of these cases will be decided upon by the Supreme Court and opinions delivered during the next convening of the Court, which will take place on November 9, 1936.

Arrangements have also been made to have Chief Justice Hughes place identifying marks on the copies of the opinion in the above-named cases which will be delivered to the Justices. It is contemplated that a test run will be made and that [REDACTED] in an effort to show that he is able to deliver opinions in advance of the opinion day, will obtain one of the copies which have been circulated among the Justices.

Respectfully,

E. A. Tamm.

RECORDED
&
INDEXED

NOV 2 1936

62-46240-19	
FEDERAL BUREAU OF INVESTIGATION	U. S. DEPARTMENT OF JUSTICE
OCT 30 1936	
TAMM	FILE

Washington Field Office, Room 4244,
Washington, D. C.
October 31, 1936

A
b7c
MEMORANDUM FOR THE DIRECTOR

Re: [REDACTED]
Attempt to Sell Advance
Opinions of the U. S.
Supreme Court

Handwritten: H, 20, 23, 2, BK
No further developments are anticipated during the next few days, inasmuch as the conference had between [REDACTED] (Agent [REDACTED]) and [REDACTED] in the fixing of a definite meeting on November 5, at 3 p.m., in the Washington Hotel, at which place [REDACTED] will deliver to [REDACTED] a written opinion of the Supreme Court, with the name of the Justice rendering the opinion attached thereto, which opinion will serve as proof that [REDACTED] is in a position to deliver an opinion of note.

This so-called test run and the delivery thereof of an opinion will not affect the stock market in any way.

**b7c*
Chief Justice Hughes is being informed of developments daily. He has expressed great surprise and indicated his pleasure at the manner in which the investigation has so far been conducted. Although he has not expressly stated, it appears that the Chief Justice will spare no one in this investigation.

Very truly yours,

E.A.T.
E. A. Tamm.

AR:MC

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88 OCT 15 1964

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&
INDEXED

62-46240-197	
FEDERAL BUREAU OF INVESTIGATION	
NOV 19 1936 A.	
U. S. DEPARTMENT OF JUSTICE	
To L-30 TAMM	FILE

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

**Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.**

November 6, 1936.

Time - 3:40 P.M.

MEMORANDUM FOR THE DIRECTOR

With reference to the Supreme Court matter, Mr. Hottel telephoned me and said that Subject [REDACTED] failed to show up for an appointment which he had with Agent [REDACTED] at the Washington Hotel at three o'clock this afternoon.

They are going to try to get in touch with him tonight.

Respectfully,

EAT
E. A. TAMM.

Mr. Nathan ✓
Mr. Tolson ✓
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

NOV 10 1936

62-46240-20

NOV 8 1936

TOLSON

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

November 4, 1936.

MEMORANDUM FOR MR. NATHAN

Re: Taking of photographs by
Special Agents [redacted] and Rosen.

Mr. Nathan	✓
Mr. Tolson	✓
Mr. Baughman	
Mr. Clegg	
Mr. Coffey	
Mr. Dawsey	
Mr. Egan	
Mr. Foxworth	
Mr. Glavin	
Mr. Harbo	
Mr. Joseph	
Mr. Lester	
Mr. Nichols	
Mr. Quinn	
Mr. Schilder	
Mr. Tamm	✓
Mr. Tracy	
Miss Gandy	

On October 29, 1936 the Laboratory furnished Special Agents [redacted] and Rosen of the Washington Field office Leica cameras for use in photographing suspects in a confidential investigation.

Your attention is called to the excellent results obtained by Agent [redacted] with the aid of telephoto lens equipment and a Leica camera furnished by the Laboratory. The attached photographs which depict the subjects in question were taken without their knowledge at distances ranging from fifty to one hundred and fifty feet.

At the same time motion pictures were also taken by [redacted] of the Laboratory depicting these same subjects in conversation with each other.

Respectfully,

E. P. Coffey
E. P. Coffey.

ENCLOSURE ATTACHED

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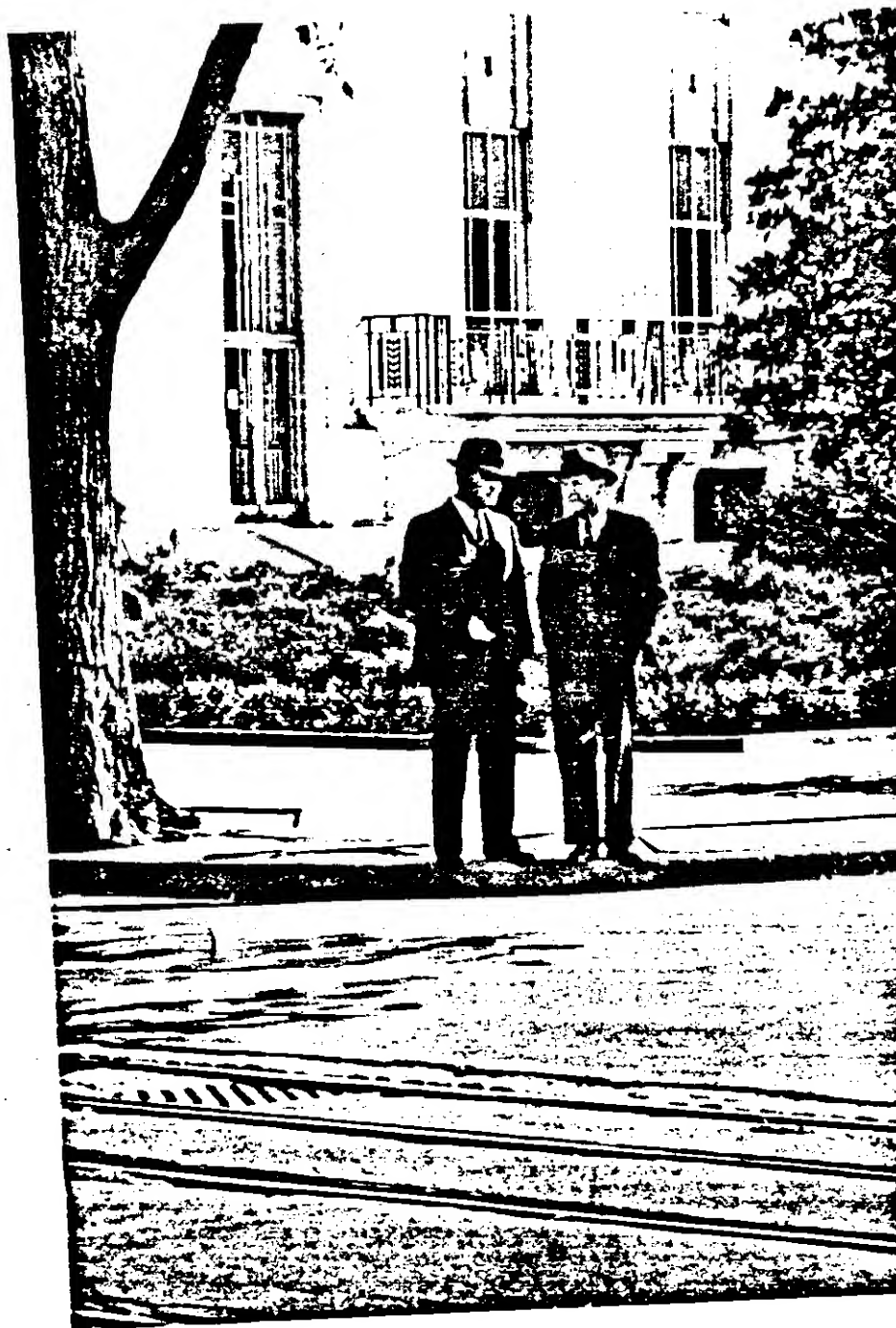
DEC 1 - 1936

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FEDERAL BUREAU OF INVESTIGATION	
U. S. DEPARTMENT OF JUSTICE	
TOLSON	COFFEY
DEC 1 - 1936	

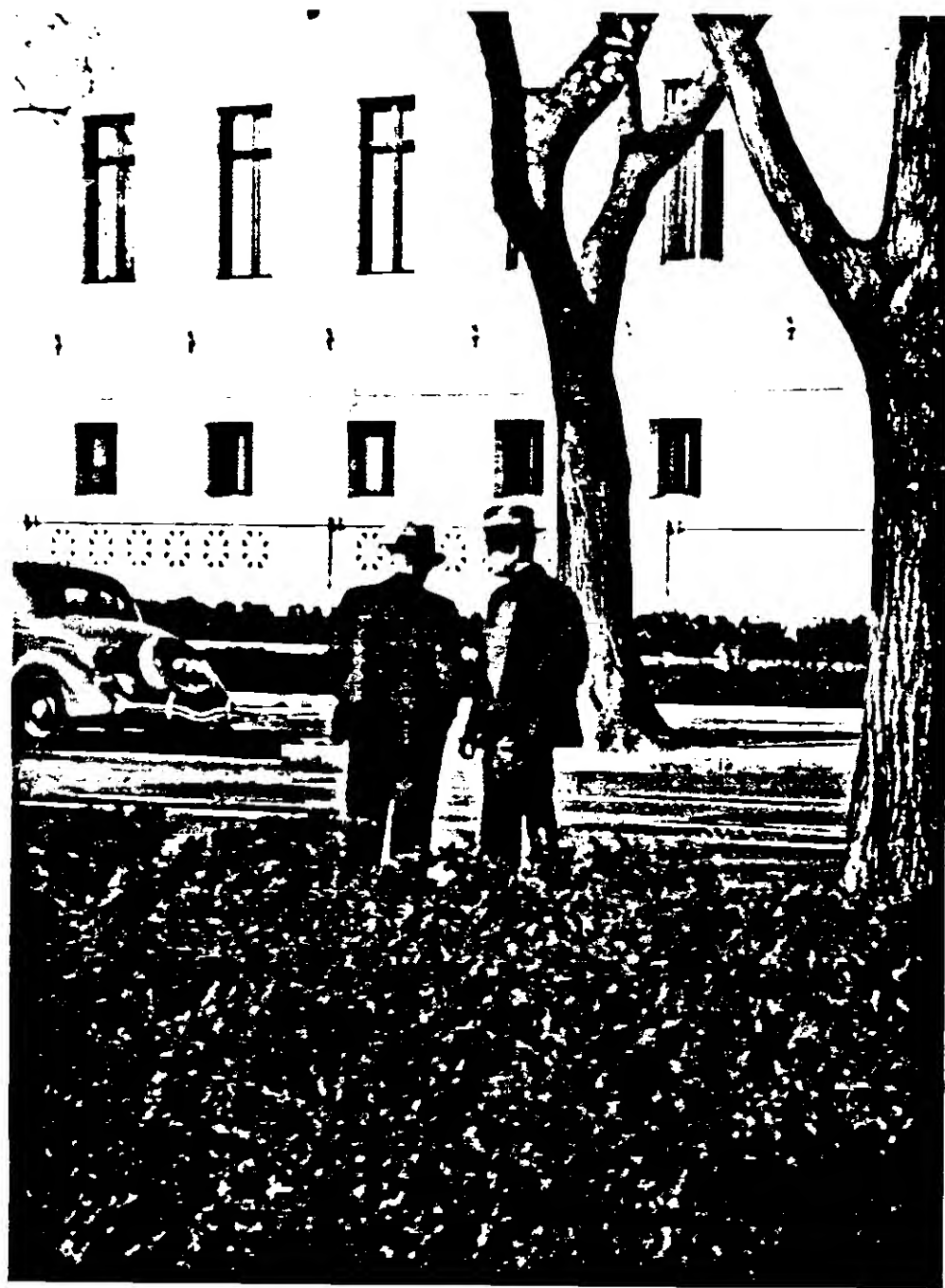
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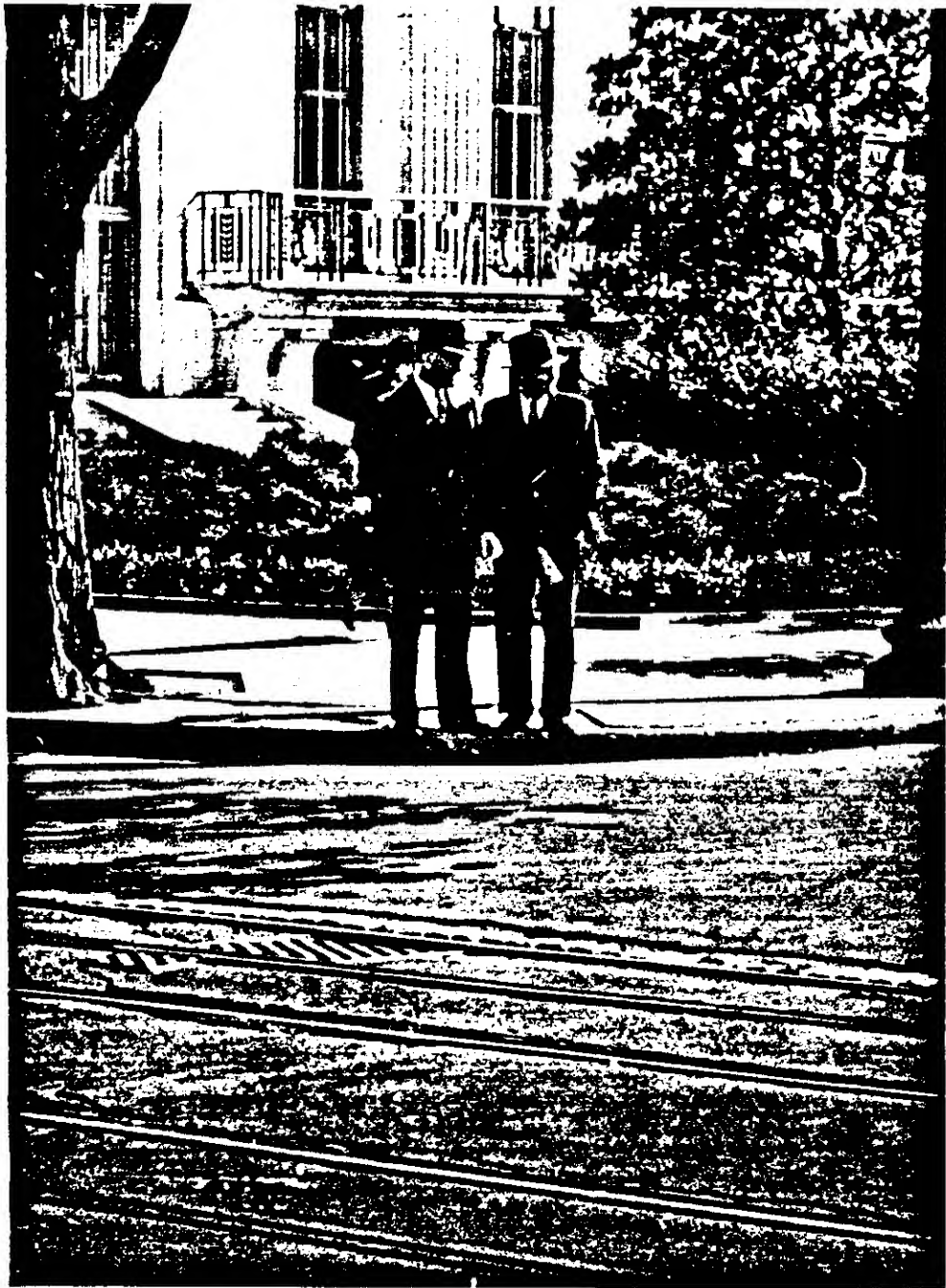
62-46240-75
66-36-2777
62-39451-12

*Photos, copies of live photos
ad
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b7c











Office of the Attorney General
Washington, D.C.

October 13, 1936.

MEMORANDUM FOR MR. HOOVER.

I have your memorandum of October 10, with reference to [REDACTED]

I note also that you have sent a copy of the memorandum to Mr. Keenan.

I would suggest that you confer personally with Mr. Keenan and determine upon a course of action. Your memorandum does not clearly indicate whether or not the Chief Justice has yet been advised by Marshall [REDACTED] of the developments referred to. It rather strikes me that it would be best for Mr. [REDACTED] to submit the matter to the Chief Justice and that thereafter the F.B.I. should follow a course approved by the Chief Justice.

If you and Mr. Keenan take this view, I would be glad if you would proceed along the lines suggested.

H.S.C.
A.G.

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83 OCT 15 1964

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FEDERAL BUREAU OF INVESTIGATION	
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U.S. DEPT. OF JUSTICE	
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DO NOT COVER

Federal Bureau of Investigation

U. S. Department of Justice

Washington, D. C.

October 10, 1936



MEMORANDUM FOR THE ATTORNEY GENERAL

PERSONAL AND CONFIDENTIAL

The following information has been received from
Marshal for the Supreme Court of the United States:

762
D

Marshal advised that before reporting this matter to the Court, he believed it desirable to make some inquiries to substantiate or disprove the information obtained and, accordingly, he interviewed

Memo for the Attorney General -2-

October 10, 1936

Marshal advises that he talked with
who furnished in substance the same facts as did

Marshal stated that through inquiries conducted of

Marshal, upon reaching this point in his inquiries,
decided that the matter was one requiring the attention of this Bu-
reau and, accordingly, he has submitted the facts to the Bureau.
I would appreciate being advised whether you desire the Bureau to
initiate investigation into this situation.

I am transmitting a copy of this memorandum to Mr. Keenan
for his information.

Respectfully,

J. E. Hoover
John Edgar Hoover,
Director.

Federal Bureau of Investigation
United States Department of Justice

AR:EB

Washington, D. C.,
November 12, 1936.

MEMORANDUM FOR THE DIRECTOR.

Re: [REDACTED]
Alleged Attempt to Sell Opinions of the
Supreme Court in Advance.

Mr. Nathan ✓
Mr. Tolson ✓
Mr. Baughman ✓
Mr. Clegg ✓
Mr. Coffey ✓
Mr. Dawsey ✓
Mr. Egan ✓
Mr. Foxworth ✓
Mr. Glavin ✓
Mr. Ladd ✓
Mr. Joseph ✓
Mr. Lester ✓
Mr. Nichols ✓
Mr. Quinn ✓
Mr. Schilder ✓
Mr. Tamm ✓
Mr. Tracy ✓
Miss Gandy ✓

[REDACTED] who was originally approached by [REDACTED] with reference to the sale of opinions, has informed Special Agents Rosen and [REDACTED] who are assigned to this case, that [REDACTED]

[REDACTED] You will recall that on November 5, 1936, [REDACTED] in the lobby of the Washington Hotel and stated [REDACTED]

[REDACTED] You will recall that he also was given the opportunity to deliver a test case on the day subsequent but that he did not appear at such time. The developments to date have been related to Chief Justice Hughes who informed Agents Rosen and [REDACTED] that inasmuch as [REDACTED] so far was unable to deliver any opinions after having been given ample time prior to opinion day, which was on November 9, 1936, it appeared that [REDACTED] had fabricated his representation that he was in the position to obtain opinions of the Court in advance.

With this thought in mind it was believed desirable to arrange one more meeting between [REDACTED] and [REDACTED]. However, the information which has been obtained today simplifies the situation as far as the future meeting is concerned and it has been arranged to have [REDACTED] meet [REDACTED] in the lobby of the Mayflower Hotel at 3 P.M. on Friday, November 13th.

Respectfully,

E. A. Tamm.

RECORDED
&
INDEXED

NOV 16 1936

62-46240-2

NOV 14 1936

TOLSON Tamm

FILE

Mr. Nathan _____
Mr. Tolson _____ ✓
Mr. Baughman _____
Mr. Clegg _____
Mr. Coffey _____
Mr. Dawsey _____
Mr. Egan _____
Mr. Foxworth _____
Mr. Glavin _____
Mr. Harbo _____
Mr. Joseph _____
Mr. Lester _____
Mr. Nichols _____
Mr. Quinn _____
Mr. Schilder _____
Mr. Tamm _____
Mr. Tracy _____
Miss Gandy _____

MEMORANDUM FOR THE DIRECTOR.

Pursuant to previous arrangements, [redacted] (Agent [redacted] met [redacted] at the Mayflower Hotel at 3 p.m. this date, having previously been prepared to receive an opinion of the Supreme Court from [redacted] who stated on Thursday, November 12, 1936, that he had something to deliver to [redacted]. At this meeting, [redacted] stated [redacted]

Respectfully,

AR:JGM

RECORDED
&
INDEXED

Jan 17 1935

62-46240-23

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

EAT:TMF

November 19, 1936

MEMORANDUM FOR THE DIRECTOR

With reference to the case involving the alleged leak in the Supreme Court, you are advised that Agents Rosen and [redacted] obtained from [redacted] last evening a signed statement in which he admits his participation in this entire project in his efforts to sell advanced copies of Supreme Court decisions. [redacted] contact is [redacted]

[redacted] was acquainted and was dealing in this proposition. [redacted] has been interviewed and a signed statement taken from him outlining in detail his part in the affair. [redacted]

[redacted] and an interview and interrogation of him is the next step. Since the interrogation on [redacted] extends the possibility of some leak getting out concerning the investigation the facts will be discussed this afternoon with the Chief Justice, by the investigating Agents to ascertain whether he will permit going further into the investigation.

Respectfully,

E. A. Tamm

Mr. Nathan ✓
Mr. Tolson ✓
Mr. Baughman ✓
Mr. Clegg ✓
Mr. Coffey ✓
Mr. Dawsey ✓
Mr. Egan ✓
Mr. Foxworth ✓
Mr. Glavin ✓
Mr. Harbo ✓
Mr. Joseph ✓
Mr. Lester ✓
Mr. Nichols ✓
Mr. Quinn ✓
Mr. Schilder ✓
Mr. Tracy ✓

*Leak in the Supreme Court of the U.S.

b7C

RECORDED
&
INDEXED

62-46240-24

NOV 23 1936

NOV 23 1936

NOLSON
TAMM

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

EAT:RP

November 20, 1936

MEMORANDUM FOR THE DIRECTOR

Agents Rosen and [redacted] interviewed [redacted] [redacted] mentioned in my memorandum of yesterday, who was believed to be associated with [redacted] and [redacted] in the alleged obtaining of advance copies of Supreme Court decisions. A signed statement was obtained from [redacted] which, together with other facts developed, indicates that he regarded this whole matter as something of a hoax or a practical joke being played by or on someone. [redacted] statement sets forth that it would be virtually impossible for any person under the setup in the Supreme Court to obtain advance copies of decisions, and the Bureau's investigation substantiates this condition.

The Chief Justice has been furnished with the facts orally in this matter and copies of the signed statements have been displayed to him. He expressed himself as highly pleased with both the results of the investigation and the manner in which it was conducted, and requested the investigating Agents to personally convey to you his commendation for the handling of this matter.

A complete report on the entire investigation will be prepared which will take several days to get out, and I will also have prepared a personal and confidential letter for your signature to the Chief Justice furnishing him with the general facts disclosed by the investigation.

Respectfully,

E. A. Tamm
E. A. Tamm.

RECORDED
&
INDEXED.

NOV 27 1936

62-46240-25

b7c
[REDACTED]
November 27, 1936.

Honorables Charles Evans Hughes,
Chief Justice of the Supreme Court
of the United States,
2225 R Street, N. W.,
Washington, D. C.

My dear Mr. Chief Justice:

With reference to the investigation which was conducted of [REDACTED] an employee in the U. S. Supreme Court Building, who, it was alleged, was endeavoring to dispose of, for a monetary consideration, opinions of the Court in advance of their being delivered, it has been determined that [REDACTED] was not only unable to produce an opinion, but that such an eventuality is highly improbable.

I have been informed by the Special Agents who were engaged in this investigation that a meeting took place on October 22, 1936, between [REDACTED] and an Agent of this Bureau, who represented himself to be [REDACTED]
[REDACTED]
[REDACTED]

At a second meeting between Messrs. [REDACTED] and [REDACTED] on the night of October 29, 1936, [REDACTED] named [REDACTED] in the Supreme Court Building, as his associate. In addition thereto, an appointment was made by [REDACTED] to deliver to [REDACTED] an opinion at 3 p.m. on November 5th in the lobby of the Washington Hotel. This appointment was kept, but [REDACTED] failed to make the expected delivery. However, he stated that if he could secure an opinion during the interim, he would meet [REDACTED] the following day. [REDACTED] failed to keep this appointment.

The final meeting occurred in the lobby of the Mayflower Hotel on November 13, 1936, at which time [REDACTED] confessed his inability to perform his part of the agreement.

In view of the developments, it was deemed advisable to confront both Messrs. [REDACTED] and [REDACTED] with the evidence which had been secured and signed statements were obtained from both. These statements, copies of

COPIES DESTROYED
83 OCT 15 1964

INDEXED

62-46240-2

Original Delivered by
Agent [REDACTED] & Chief
Justice. Ex 11/26/36.

Hon. Charles Evans Hughes.

-3-

November 27, 1935.

b7C
which have been furnished to you, establish that [REDACTED]

[REDACTED] in his
statement, related [REDACTED]

b7C
A written statement secured from [REDACTED] disclosed that [REDACTED]

b7C
[REDACTED]
[REDACTED] who was referred to by [REDACTED] in his
conversation with [REDACTED] was in no way cognizant of the activities
of Messrs. [REDACTED]

b7C
I was gratified to learn that [REDACTED] was unable to make
a delivery, and in compliance with your request, no further inquiries will
be made unless you so desire..

b7C
With kind personal regards, I am

Sincerely yours,

John Edgar Hoover,
Director.

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET7

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.



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62-46240-26 enclosure

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1 Bureau of Investigation
United States Department of Justice
Washington Field Division, Room 4244,
Washington, D. C.

December 2, 1936.

Director,
Federal Bureau of Investigation,
Washington, D. C.

~~PERSONAL AND CONFIDENTIAL~~

Re: [REDACTED]

ALLEGED ATTEMPT TO SELL ADVANCED
OPINIONS OF THE SUPREME COURT OF
THE UNITED STATES

DECLASSIFICATION ON
BY SPINAC/AC 6/1/88
287,548

Dear Sir:

Reference is respectfully made to the joint report submitted by
Special Agents A. Rosen and [REDACTED], Washington, D. C., dated December
1, 1936.

On November 30, 1936, [REDACTED]
informed Special Agent [REDACTED]

Agent [REDACTED] confidentially ascertained that [REDACTED]

Very truly yours,

Guy Hottel
GUY HOTTEL,
Special Agent in Charge.

RPB:EE
62-3462

RECORDED

DEC 7 - 1936

DEC 5 1936

TAMM

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dawsey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

FEDERAL BUREAU OF INVESTIGATION

1936.

TO

✓ Director
Mr. Nathan
Mr. Tolson
Mr. Quinn
Mr. Clegg
Mr. Foxworth

Files Section
Personnel Files
Chief Clerk's Office
Identification Division
Technical Laboratory
Mechanical Section
Division Two

SUPERVISORS

Mr. Fletcher
Mr. McDade
Mr. McIntire
Mr. Smith

Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tracy
Miss Gandy

Mr. Spear
Mr. Suran
Mr. Vincent
Mr. Wyly
See Me
Send File
Call me regarding this
Correct
Note and Return
Search, serialize and r

Miss Gandy
Mrs. Fisher
Mr. Ward
Mr. Parsons
Miss Conlon
Typists - 5230
M

E. A. TAMM - 5742.

FEDERAL BUREAU OF INVESTIGATION

Form No. 1

THIS CASE ORIGINATED AT **WASHINGTON, D. C.**

FILE NO. **62-3462**

REPORT MADE AT Washington, D. C.	DATE WHEN MADE 12/1/36	PERIOD FOR WHICH MADE 10/9 to 11/21/36	REPORT MADE BY A. ROSEN
TITLE [REDACTED] <i>076</i>			CHARACTER OF CASE ALLEGED ATTEMPT TO SELL ADVANCED OPINIONS OF THE SUPREME COURT OF THE UNITED STATES

SYNOPSIS OF FACTS:

~~**CONFIDENTIAL**~~

Investigation instituted on October 9, 1936, upon information given by Marshal [REDACTED] of the Supreme Court that [REDACTED]

[REDACTED], in contact with [REDACTED] Subsequently four meetings were had between [REDACTED] and [REDACTED]

[REDACTED] appeared as a result of these conversations. These persons are all employees of the Supreme Court. Investigation lead to the point where [REDACTED] and [REDACTED] were voluntarily questioned by Bureau Agents and submitted signed statements relative to their activities. The substance of these statements indicated that no opinions could be obtained prior to decision day, nor did [REDACTED] Supreme Court, have any knowledge of the activities of the Court opinions in this matter. A complete discussion was had with Chief Justice Charles Evans Hughes relative to this investigation, during which signed statements and stenographic recordings of conversations were given to the Chief Justice.

APPROVED AND FORWARDED:

J. H. Tuttle

SPECIAL AGENT IN CHARGE

DO NOT WRITE IN THESE SPACES

COPIES OF THIS REPORT

- ③ - Bureau
- ② - Washington Field

**COPIES DESTROYED
28 OCT 15 1964**

62 44241-28

DEC 10 1936

DEC 10 1936

As a result of the development in this case the Chief Justice has requested that no additional investigation be conducted, unless he specifically requests such activity. This case is therefore being closed.

- 0 -

REFERENCE: Letter to the Director dated October 9, 1936.

DETAILS: AT WASHINGTON, D. C.

674
This is a joint report of Special Agents A. Rosen and [REDACTED] the investigation being predicated upon instructions received from Inspector E. A. Tamm.

On October 9, 1936, [REDACTED] Marshal for the Supreme Court of the United States confidentially informed the Washington Field Division that information had emanated from [REDACTED]

674
D
According to Marshal

stated that

On the same date a written statement was taken from [REDACTED]
[REDACTED] This statement is as follows:

1

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET

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62-46240-28 p4

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Steps were immediately taken to ascertain whether [redacted] had had any dealings with [redacted]

In addition thereto, [REDACTED]
the Supreme Court building was interviewed in the presence of Marshal [REDACTED] and [REDACTED]

Signed statement was obtained from [redacted] and [redacted] relative to their activities to date, which are set out below:

-5-

XXXXXX
XXXXXX
XXXXXXFEDERAL BUREAU OF INVESTIGATION
FOIPA DELETED PAGE INFORMATION SHEET58

Page(s) withheld entirely at this location in the file. One or more of the following statements, where indicated, explain this deletion.



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62-46240-28 p 6-63

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b7C
Scars and Marks
Relatives



b7C
As a result of the statements obtained from [redacted] and [redacted] the matter was presented for further consideration to the Chief Justice, who advised that inasmuch as the evidence adduced indicated that [redacted] had been misled by [redacted] as to the possibility of obtaining opinions, and that [redacted] had jocularly treated [redacted] overtures to him, no further investigation be conducted. He indicated his extreme pleasure and gratification at the inability of these persons to obtain any opinions of the Supreme Court and stated that if a further investigation relative to this matter were desired, he would communicate with this office. Pending such request, this investigation is being

- C L O S E D -

0

Federal Bureau of Investigation

U. S. Department of Justice

Washington Field Division, Room 4244,
Washington, D. C.

December 18, 1936.

R

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Dewey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Mr. Schilder
Mr. Tamm
Mr. Tracy
Miss Gandy

Director,
Federal Bureau of Investigation,
Washington, D. C.

PERSONAL AND CONFIDENTIAL

Re. [REDACTED]
ALLEGED ATTEMPT TO SELL
ADVANCED OPINIONS OF THE
SUPREME COURT OF THE UNITED
STATES

Dear Sir:

In connection with the above entitled investigation which involved not only [REDACTED] but also [REDACTED] and [REDACTED] in the building, please be advised that Special Agent [REDACTED] has ascertained at the Supreme Court Building that these three employees were discharged on November 25, 1936.

This case has been closed. However, this information is being forwarded for the completion of the Bureau files.

Very truly yours,

Guy Hottel
GUY HOTTEL, [REDACTED]
Special Agent in Charge.

[REDACTED]
62-3462

RECORDED
&
INDEXED

DECLASSIFICATION ON
BY *SP/macl/hc*

287,548

62-46240-29

FEDERAL BUREAU OF INVESTIGATION	
DEC 23 1936 P.M.	
U. S. DEPARTMENT OF JUSTICE	
TAMM	FILE

DEC 23 1936

Supreme Court of the United States
Washington, D. C.

December 3, 1936.

My dear Mr. Hoover:

I have received your letter of November 27th with respect to the recent investigation of the endeavor to obtain and dispose of opinions of the Court in advance of their delivery.

Permit me to express on behalf of all the members of the Court our deep appreciation of the care and skill with which the investigation was conducted. While I regretted the occasion for the inquiry, I appreciated the opportunity to meet personally the special agents who were designated for the purpose and I was impressed with their ability and thoroughness. It was gratifying to be assured that the unworthy project in which the persons under investigation were concerned could not be successfully carried out.

Thanking you for your personal interest in the matter and for the important service rendered by you and by those under your direction, I am,

Very sincerely yours,



Mr. John Edgar Hoover,
Director, Federal Bureau of Investigation,
Department of Justice,
Washington, D. C.

Mr. Nathan
Mr. Tolson
Mr. Baughman
Mr. Clegg
Mr. Coffey
Mr. Egan
Mr. Foxworth
Mr. Glavin
Mr. Harbo
Mr. Joseph
Mr. Lester
Mr. Nichols
Mr. Quinn
Miss Gandy

JOHN EDGAR HOOVER
DIRECTOR

EAT:CDW

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

January 8, 1937.

Time - 11:12 A.M.

MEMORANDUM FOR THE DIRECTOR

674
Re: [REDACTED] et al;
Furnishing Advance Information
on Supreme Court Decisions
and other Irregularities.

Mr. McGuire of the Department telephoned me relative to the
above entitled case, about which you are informed.

He said that he had not received a report of the matter as
yet, and he was wondering if one might be sent to him.
I told him we would check up on it.

Respectfully,

E. A. TAMM.

RECORDED

62-46240-31	
FEDERAL BUREAU OF INVESTIGATION	
JAN 18 1937 P.M.	
U. S. DEPARTMENT OF JUSTICE	
TOLSON	FILE

JOHN EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

EAT:TMF

January 13, 1937

MEMORANDUM FOR THE DIRECTOR

I called Mr. McGuire in Mr. Keenan's office and informed him with reference to his previous request for information concerning the disposition of the case involving alleged irregularities on the part of attaches of the Supreme Court, that at the request of Chief Justice Hughes, a daily oral report had been furnished to the Chief Justice by Bureau representatives. I informed Mr. McGuire that when the Bureau's investigation had been completed the Chief Justice stated that appropriate action would be taken by the Court.

Respectfully,

E. A. Tamm

62-46240-31

FEDERAL BUREAU OF INVESTIGATION	
JAN 18 1937	
U. S. DEPARTMENT OF JUSTICE	
TOLSON	FILE

J. EDGAR HOOVER
DIRECTOR

Federal Bureau of Investigation
United States Department of Justice
Washington, D. C.

TDQ:RCL

10:40 AM

April 3, 1937.

MEMORANDUM FOR MR. TOLSON.

Mr. Lester called from St. Paul to advise that there was a rumor abroad in St. Paul and Minnesota to the effect that Special Agents of the FBI were investigating the individuals appearing before the committee hearings relative to the Supreme Court. Mr. Lester stated that this rumor caused a very undesirable reaction and he therefore wanted to be able to state that he had talked with the Director and that there was no foundation for such report.

Mr. Lester was advised that he should emphatically deny the truth of this report and should definitely kill it for once and all. Mr. Lester was advised of the local rumor to the effect that Mr. Keenan was responsible for such investigations and that report had been repudiated.

Mr. Lester advised that he would handle this matter diplomatically.

Respectfully,

T. D. Quinn.

RECORDED

12-16-37

14

RECORDED

62-46240-32	
FEDERAL BUREAU OF INVESTIGATION	
APR 6 1937 A. M.	
U. S. DEPARTMENT OF JUSTICE	
TOLSON	FILE

Office Memorandum • UNITED STATES GOVERNMENT

TO : Mr. Tolson

DATE: June 20, 1958

FROM : G. A. Nease *GN*SUBJECT: INQUIRY FROM SENATOR H. ALEXANDER SMITH
(REPUBLICAN - NEW JERSEY)
SUPREME COURT DECISIONS *D.C.*

Tolson _____
Boardman _____
Belmont _____
Mohr _____
Nease _____
Parsons _____
Rosen _____
Tamm _____
Trotter _____
Clayton _____
Tele. Room _____
Holloman _____
Gandy _____
W. C. Sullivan _____

Pursuant to the Director's instructions concerning an inquiry from above captioned on June 19, 1958, Wick yesterday afternoon attempted to reach the Senator and in his absence talked to [REDACTED] his Administrative Assistant. She said the Senator was tied up at meetings but would call Wick either yesterday evening or this morning. *b7c*

This morning in a conversation with Senator Smith, Wick pointed out that the Director wanted Senator Smith to know that over the years he has refrained from commenting on matters of a legislative nature and that in this instance it would not be possible for Mr. Hoover to make any comment whatsoever. Senator Smith said he appreciated well the Director's position and wondered whether Mr. Hoover would have any objection if the Congress "filled in the loopholes," which the Supreme Court has used in soft pedaling the communist cases. Senator Smith also stated he believed that the decisions had in all probability hampered the FBI. Wick told Senator Smith that he well knew the FBI is solely a fact-gathering and fact-finding organization and that so long as a statute giving us jurisdiction over a matter is the law of the land the FBI will investigate violations of that law and present the facts to the appropriate authorities. Senator Smith said he recognized fully the fine work the FBI is doing and could understand why it is not possible for either Mr. Hoover or any spokesman to flatly admit the recent decisions of the Supreme Court were either not to our liking or hampered us considerably.

In conclusion, Senator Smith said he wanted Mr. Hoover to know that he has the greatest respect for both Mr. Hoover personally and the FBI and the fine work it is doing. He said if we ever need any help from him all we need do is call him. Wick thanked him for his offer of support.

ACTION:

None. For record purposes.

- 1 - Mr. Boardman
- 1 - Mr. Belmont
- 1 - Mr. Jones

REW:sak *SK*
(5)

70 JUL 7 1958

REC-64 62-46240-3
12 JUN 26 1958

EX 135
CRIME REC-64